

## **WEST GREENWICH**

**January 14, 2008**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on January 14, 2008. Present were: Vice Chair David Berry, Brad Ward, Tim Regan, Tom O'Loughlin, Chairman Mark Boyer (8:30 p.m.), and alternate William Lepak. Absent was: alternate Bill Bryan. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre, Esq. was present. Vice Chairman Berry called the meeting to order at 7:00 p.m.

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### **CONSENT AGENDA**

#### **A. Acceptance of Minutes**

November 19, 2007 Regular Meeting

December 17, 2007 Regular Meeting

Motion to move the consent agenda to before Planning Projects and move up the Regina Estates item after the public hearing in the Village Special Management District. Ward-Regan (5-0)

#### **Amendment to Comprehensive Plan Public Hearing, cont.**

**and Advisory Opinion to Town Council on application for Zoning Amendment and Zone Change proposing Village Special Management District:** AP 1 Lot 10-1 and 10-3, 13, & 15 --Current Zoning is Highway Business; Proposed Zoning is to create a new Special Management Zoning District for these parcels. On corner of Division Street and New London Turnpike; Owner: Universal Properties (Nicolas Cambio)

Attorney John Pagliarini, Jr. was present. Mr. Pagliarini gave a conclusion for the Board. He noted it has been a long process and that many issues have come to light that he believes they have addressed to many people's satisfaction. He noted that they are proposing public water and public sewer, and that they have agreed to no curb cuts on Division Street, and they have widened the buffer on Division Street, and that they have entered into a purchase and sales agreement to purchase the two Lepre properties to create a further buffer, and they have increased the distance between the buildings, and they increased the amount of open space by reducing the number of independent buildings and making duplexes and triplex units, they removed the three story building, they moved the proposed low-mod income housing for this site to the Centre of New England Boulevard, and reduced the density to 160. He noted that they have listened to all the neighbors' comments and that the only issue he sees is the issue of density. He noted that if that is the only issue, that he asks for the approval of the Comprehensive Plan and Future Land Use amendments because then the zoning can follow afterwards. He noted that the Town Council opened their public hearing on Wednesday evening.

Mr. Pagliarini stated that they get into a philosophical argument on whether or not Highway Business is the highest and best use for the site versus commercial. He noted that he provided a financial analysis at the last meeting. He stated that at the end of the day, the Town still nets almost \$400,000, and that this would be the second highest generating evaluation, close to \$30 million dollars. Mr. Pagliarini stated that the site lacks as a commercial site.

Mr. Pagliarini stated that the draft that is before the Board is consistent with the Affordable Housing Plan, because it does call for affordable housing but it also calls for off-site affordable housing because the neighbors have said they don't want it on this site. He noted that the current approved Affordable Housing Plan calls out this spot specifically along with 500 other acres in

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Town, and the Affordable Housing Plan calls for a density of 10 per acre, and this proposal is for 5 per acre.

Mr. Pagliarini stated that he believes they have answered every question that has come before them. He stated that he looks at the numbers economically and say that this is the highest and best use, and that he is not going to get a \$30 million commercial project on this site. He noted that a commercial use that is going to generate this kind of tax revenue is going to have to be a very large entity, and you are going to get into all the associated issues of commercial as far as traffic. He stated that he believes that they are consistent with the Comprehensive Plan and the Circulation element because this project is going to fix the intersection of New London Turnpike and Division Street, which is lacking right now. He noted that this project will probably put a red light at the ramp at Route 95 making queuing to the left a lot easier. He stated that they tried to market it as a commercial piece and that nobody wants it as a commercial piece.

He noted that the Housing Element of the Comprehensive Plan calls for varied and different types of housing within the community, and noted that there are no places for seniors to go, and this is an active adult community aged 55 and older. He noted that this creates a different lifestyle community that is not currently in the Town.

Then Mr. Pagliarini noted that this is not an additional 160 units, because there are 160 units that are approved on the Boulevard, that will not be built and will be transferred to this site. He noted that this is a transition site, and that the neighbors don't want anything offensive next to them. He noted that he believes between the Affordable Housing Plan identifying this as a site, and the fact that it's been commercial and nothing has been developed on it, that amending the Comprehensive Plan is an appropriate motion.

Mr. Ward noted that he believes that the residents have made it clear and given convincing argument that they feel the Highway Business would best suit the needs of the community in that area, and that they have put forth to him a valid argument.

Mr. Lepak noted that he has heard conflicting ideas from various people, and noted that some people want economic development here, and other people want it residential.

Mr. Regan noted that his concerns are with the density.

Mr. O'Loughlin noted that the issues for him are the density and the proximity of all the buildings and the issue of if it is more suited for economic development once the Centre of New England is all built out and if Arlington RV goes in here, and if Highway Business becomes a better use possible.

Vice Chairman Berry noted that the Town tries to preserve Highway Business districts because there are not that many of them and they are very limited, and this is right on the exit ramp for the highway, so the way the land has been zoned and set up at this site right on the highway is for commercial or business use versus a residential use. He noted that this seems to be one of the key elements in this decision.

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Mr. Pagliarini noted that they will be bringing sewer across the road for this development, and he thinks the Affordable Housing Plan selected this site because it has access to water and that it is going to be the only site in Town with access to sewer. He noted that the Board's vote is a balance tonight, and he noted that there are other Highway Business sites in town that are undeveloped. He noted that there is no other site that is proposing a needed affordable housing and age-restricted housing.

Vice Chairman Berry noted that the Town is working on a zoning district ordinance for affordable age-restricted housing. Miss Paquet noted that this was in the Board's packets quite a few months ago.

Ray Dauplaise, 12 Carrs Pond Road, noted that a lot of time has been spent talking about a picture, and heard a verbal presentation of what the applicant would like to do. He noted that when he first read the legal documents that were submitted, he could not believe the picture because it bears no relationship to the documents. He noted that he has written down his concerns and submitted a copy to the Board. He asked the Board to think about these questions before they make a decision on this proposition for the Town of West Greenwich.

Mr. Ward expressed frustration with receiving this information tonight at the meeting and it was noted that the Board will not be expected to read this word for word, and asked to have things submitted to the Planner ahead of time so that it can be distributed to the Board with sufficient time. The Board asked Mr. Dauplaise to summarize his comments.

Mr. Dauplaise raised the issue of private wells and discrepancy on the plans. Mr. Ward noted that this was already addressed and it is not an issue and the Board will address it. Mrs. Letendre noted that the plan is only a concept and is not something that is getting approved though this process. She explained the process.

Mr. Dauplaise pointed out the picture shows 160 units, yet the legal documents permit him to put 1,250 dwelling units on the property. He went over his calculation using the building coverage of 40% of the lot, which comes to 12 acres. Miss Paquet read from the proposed ordinance that the density is one multifamily age-restricted dwelling unit per 8,000 square feet of total land area. Mrs. Letendre noted that the 40% is maximum building lot coverage which is not density. There was further discussion.

Mr. Dauplaise asked why permission is needed to put a parking garage on this property, if not to park cars for an outrageous number of residents. He noted that it makes no sense to him.

Mr. Dauplaise stated that it makes no sense to use numbers from Coventry for the calculation for how much money the Town is going to make, because Coventry is a much larger town which is partially rural but also highly populated. He noted that Coventry's numbers don't bear any direct relationship to what we can expect here.

Mr. Dauplaise asked why West Greenwich has 2-acre zoning requirements for residents, and noted that this is a rural community, and they want to stay that way. He noted that if this gets built, we are not going to be a rural community anymore. Mr. Dauplaise read the closing

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comments from his letter noting this is a rural community and that the proposal benefits the developer, and asked the Board not to recommend approval.

Vice Chairman Berry wanted the audience to keep in mind that this area is zoned Highway Business and what can go there. Mr. Dauplaise noted that he understands this.

Paul Kaltschnee, 81 Carrs Pond Road, noted that the Board is looking at changing the Comprehensive Plan and the zoning, and that they are looking at a concept. He noted that the Centre of New England Boulevard is where these 200 units of age-restricted and affordable housing was supposed to go, which the neighbors don't object to, because it is a total different piece of property. Mr. Kaltschnee pointed out the Mr. Pagliarini noted that a year ago the proposal was for 123 individual units, and now we are looking at 165 with duplexes and triplexes. He noted that the current affordable housing draft being considered for a senior village requires 20% affordable housing, but they are proposing 13.5%. He stated that if they want to build it, then build it over on the Centre of New England Boulevard.

Bill Williams, 75 Division Road, thanked the Board for listening to all this. Mr. Williams noted that he and his neighbors agree with Mr. Dauplaise' comments and noted that he will be the most affected because his property abuts this. He asked the Board to look at all the factors, economic, environmental, moral, ethical, etc. He noted that as far as traffic that this is a very busy area and that he thinks a few businesses strategically located in there wouldn't generate anywhere near as much traffic as 150+ condominiums would. He noted that the density keeps coming up and it is the density of condominiums versus the density of small businesses, and asked the Board to weigh all these issues.

Linda Eastman, 20 Division Road, noted that the decision of this Board and the Town Council is going to affect this Town for a long time. She noted that we are fortunate enough to have several interchanges on a major highway running through this State and that it was wisely zoned that this would be used for business. She noted that we can't make anymore land next to the interchanges, and if you change this you are not getting it back. She noted that she could say the back land is toward Division Road and you can make some concessions to make some of that residential, but to take that land along New London Turnpike with direct access off the highway seems like there has to be a lot of thought in it. She noted that she personally can't see how it is in the best interest of the Town. She noted that on the other hand, this is like culture shock to everybody. She noted that this is a different situation than Centre of New England, which was a gravel pit, and there weren't any people there. She noted that there are people over here on Division Road and Carrs Pond Road and the Turnpike that have been there 50 to 60 years or more. She noted that this is a different situation than the Boulevard and it is not the same comparison. She noted that she does have some skepticism about what is going to go in there. She noted that it keeps changing and it seems like it is not nailed down and asked if it could be tightened up a little. She noted that her main point is that the Turnpike is business, is off an interchange, is valuable land for the Town and that a lot of consideration should be given to this. She noted that if there is concession made, that she would like to see something in return. She noted that if it is going to be extremely dense housing, then where is the green area to go along with it, and for the neighbors so that everyone could be happy.

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Mr. Pagliarini noted that a lot of changes have been made and that a lot of comments have been addressed. He noted that the issue is density and that he can talk to his client to see if that is workable. He noted that this is a transfer of 160 units from the Boulevard to a larger site.

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

There was discussion on the Comprehensive Plan decision. Mrs. Letendre noted that an amendment of the Comprehensive Plan requires both approval of the Planning Board and the Town Council, and if the Planning Board denies it and recommends that the Town Council denies it, it does not foreclose the Town Council the opportunity to hear the matter. She noted that if the Town Council decides to approve something, it would have to come back to the Planning Board for further review. The Board discussed the issues and the possible motions.

Vice Chairman Berry noted that the land is valuable for the Town for commercial business.

Mr. Lepak noted that in theory you could go either way and that this is not black and white. He noted that typically highway interchanges are specifically earmarked for economic zones to keep the residential tax base down. Mr. Lepak disagreed that this area of the community is rural and noted that he sees it as on the fringe of the suburban end of the community. He went over what could go there based on the zoning district, such as hotels and motels, a gravel operation, a department store, eating places, etc. as he read from the Zoning Ordinance Use Matrix. He noted that the idea of a fiscal impact analysis is an excellent way to assess re-zoning applications or changes to the local comprehensive plan. He noted that what the applicant is proposing is really something that needs to be taken into account. He noted that if it is zoned for Highway Business the idea is to get as much economic benefit as possible, however, if you look at it from the flip side you could argue that if Mr. Pagliarini's ideas are accurate, this would be the second largest tax generating parcel in the community. He noted that the key feature is on the number of school-age children. Mr. Lepak discussed the numbers with Mr. Pagliarini and concluded that the annual benefit to the town is \$379,000. Mr. Lepak discussed that this project is not doing economic harm to the community, and noted that anyone who lives within a mile or two radius of an interchange must expect higher density development, such as industrial or commercial zoning. Mr. Lepak discussed that on one hand this proposal does find itself in accord with the housing element of the Comprehensive plan because it is providing flexibility in housing choices, which is a key component within the Housing Element of the Comprehensive Plan. He also noted that since it is called a Senior Village that it also gives it more credibility of being in accord with the Affordable Housing Plan. He discussed that Mr. Pagliarini mentioned it was considered a transitional zoning district if it was built out in this scenario and Mr. Lepak concurred with this, and noted that you are going from a higher density development to a medium density development to a rural density development. He asked if all the affordable housing units are earmarked to go into the Centre of New England. Mr. Pagliarini stated yes, but that there is the possibility that the two Lepre units become affordable. He noted that the total number of affordable units would be 21 total. There was further discussion on terms of the development with regard to location of the affordable units, underground lighting, public water and sewer, and off-site impacts for the fire district.

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Mr. Ward discussed that there is another issue of quality of life where there is no economic cost that can be applied, and proceeded with a motion.

Motion to deny both the request to amend the Comprehensive Plan Text to establish a “Senior Village District”, and the request to amend the Future Land Use Map for AP 1, Lots 10-1, 10-3, 13, & 15 to so designate the parcels as Senior Village District, based on the following findings of fact:

1. The proposed amendments create a medium density residential-only development, age-restricted to those 55 and older which is inconsistent with the Affordable Housing Plan of the Town.
2. The parcels are suited for Highway Business development, as currently zoned, due to their proximity to highway access and public water, rather than for residential development in the manner requested.
3. It is in the interest of the Town to maintain the parcels as Highway Business for the purposes of future economic development unless and until an appropriate alternative development consistent with the Comprehensive Plan is proposed.
4. The proposed amendments are not consistent with the overall plan for future development of the Town as exhibited in the Comprehensive Plan Future Land Use Map, which designates the land under consideration as “Highway Commercial” and provides for residential development in several other areas.
5. It is not essential to increase the supply of housing, nor to encourage the development of undeveloped land in the Town of West Greenwich, as the proposed ordinance claims, unless to do so would be consistent with the Affordable Housing Plan of the Town.
6. The Town has determined that the location, amenities, utilities and regional impact of lands near Route 95 at Exit 7 *do not* necessitate the creation of a Senior Village District, as the proposed ordinances claims, but rather, necessitates the preservation of existing Highway Business zoned land.
7. To ensure consistency with the Town’s Affordable Housing Plan, the Town is currently drafting it’s own Senior Village District, with specific zoning requirements, including dimensional setbacks and heights, landscaping, and required mix of uses to create village neighborhoods at recommended locations in Town. The West Greenwich Affordable Housing Plan anticipates 15 affordable units to be generated from this zoning technique, which can be reasonably accommodated at the location of this proposal and/or at other locations also recommended for Senior Village District development. The Affordable Housing Plan identifies over 500 acres where such zoning could be developed.

Ward-O’Loughlin (4-1) with Lepak voting nay.

Motion to recommend that the Town Council deny the application by Commerce Park Associates 12, LLC to change the zoning of AP 1, Lots 10-1, 10-3, 13, and 15 from Highway Business to the applicant’s proposed Senior Village District, and deny the proposed text amendments to the Zoning Ordinance based on the same findings of fact stated in the motion to deny the Comprehensive Plan changes. Ward-O’Loughlin (4-1) with Lepak voting nay.

Mrs. Letendre noted that this matter is still scheduled to be heard at the next Town Council meeting. The Board took a 3 minute break.

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**Major Residential Subdivision: Pre-Application**

“Regina Estates” – AP 23, Lots 50, 45-5, & 109

--On Regina Drive Road; 5 new frontage lots proposed (plus one existing house lot)

Applicant: MPDR Construction Co., Inc. (Ronald A. Maggiacomo)

-combine Master and Preliminary Plan hearing

Mr. Robert V. Boyer, PLS, approached the Board. Mr. Boyer presented the project. Mr. Boyer explained that this project was approved before and has been in the works for 3 or 4 years. He noted that because there was an EPA clean-up there were certain things they had to do. He noted that the subdivision consists of 5 lots, and noted that there was a requirement that the wells be drilled and installed on each lot and noted this was approved by the Board of Health. He noted that the site next door has been cleaned and approved by EPA and DEM, and noted they are here because time ran out on the approval and there is nothing else they can add.

Vice Chairman Berry clarified if this was the same proposal before the Board in 2004. Mr. Boyer noted yes.

Mr. Ward asked about the revision date. It was noted that this is just the resubmitted and that no changes have been made to the plan. It was noted that this has not gone to the TRC yet.

Mrs. Letendre asked if any site conditions have changed since 2004. Mr. Boyer noted that there were none.

Mr. Regan asked the nature of the contamination. Mr. Boyer explained that there were PCB's on the site from transformers on telephone poles and that it was cleaned up but the owner did not transport the waste away and it dissipated over the years from wind and rain, so EPA came in and had them clean up a much bigger area. He noted that it was cleaned up and transported.

Mr. O'Loughlin asked about the wells that had to be installed, and noted that he assumed that the wells were for monitoring for PCB. Miss Paquet explained that the wells were for groundwater availability, and that she does not have any documentation for anything about the contamination.

Ron Maggiacomo, MPDR Construction, explained that they had to have all the wells tested for PCB's and they had to send them to California for a special processing test. Mr. Regan asked if this was on the wells for the 5 lots. Mr. Maggiacomo noted that it was for the wells on all 5 lots. Mr. Regan asked if they had to put wells in near the clean-up area. Mr. Maggiacomo stated that the clean-up area is not on this property. It was noted that the contamination is on lot 1, which is the portion that is remaining, which is owned by someone else. Mr. Maggiacomo stated that he did only the testing on the 5 wells on the 5 lots that he is requesting. Vice Chairman Berry clarified that these wells were sunk for drinking water not to test for contaminants. Mr. Maggiacomo noted that GZA did all the tests for Mr. Lombardi on Lot 1 with DEM.

It was noted that the subdivision could not go through until there was environmental clearance. Mrs. Letendre noted that lot 1 is part of the subdivision approval and that the area of contamination is going with the existing house and the existing well.

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Mrs. Letendre asked about the shaded area on sheet 3 that reads, "to be deeded." Mr. Boyer noted that this has not transferred yet, and noted it was a boundary dispute. Mr. Maggiacomo noted that when it was originally surveyed, that it was surveyed wrong and they put those houses there but it was part of Mr. Lombardi's land. Mrs. Letendre noted for the applicant to have those deeds ready when they come in for the Master Plan and Preliminary Plan submission.

Miss Paquet noted that the Fire Chief had comments and concerns on the installation of the cistern that need to be addressed. It was noted that there will need to be some remedial action. Mr. Maggiacomo noted that he put it in and it was not finished because DEM stopped everything, and that it sticks out of the ground because they hit ledge.

Mr. Regan asked what the yield was on the wells, and noted that this area has had a lot of problems, and the Board will probably want to look at this again. Mr. Maggiacomo noted that they met all the criteria for the wells, unless something has changed. It was noted that Building Inspector is also going to need this information. It was noted that this information and the test results is needed. Mr. Regan noted that last thing we want is to put people in the houses and have a water issue.

Mr. Ward noted he has no issues with combining the Master and Preliminary reviews. Motion to combine the Master and Preliminary review stages. Ward-Regan (5-0)

Chairman Mark Boyer arrived at 8:30 p.m.

**Development Plan Review: Preliminary Plan, cont.**

"Dunkin' Donuts"- AP 14, Lot 12-1 and 12-2

--on Victory Highway; addition to existing out building at West Greenwich Plaza;

Owner/Applicant: Frank Realejo

-progress update; no revised plans submitted as of packet mailing

Attorney John Pagliarini, Jr. was present. It was noted that the revised plans were received January 4, 2008. Mr. Pagliarini noted that the draft motion lists a few outstanding items that need to be reviewed by the Town Consulting Engineer. He noted that he believes that they have satisfactorily addressed everything. He noted that they have comment from Chief Parkinson on the cistern and have made the application to the RIDOT for the Physical Alteration Permit.

Mrs. Letendre went over the parking note and asked how it was calculated. She asked to have this shown on the record plan and to note that it was to accommodate all 11 condo units.

She then noted that she reviewed the existing condo documents asked if there was any arrangement for maintenance on the detention ponds. She noted that an arrangement needs to be made to make them part of the common elements that are maintained. It was noted that this will be provided.

Mrs. Letendre noted that there was an Easement Agreement for the ISDS and the traffic island, and asked if there was any easement agreement for the access. She noted that the Town has determined that this is only two lots for tax purposes, but for development purposes this is

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considered one whole site, and that there never was a subdivision for this parcel. She explained that when the condominium Phase I and Phase II were developed, that for tax purposes only, the Town divided them into two lots. She noted that because of this, she is not concerned with setbacks between lots 12-1 and 12-2. She noted that the circulation on the site seems to rely very heavily on the two access points, one which happens to be on the Phase I part of the condo and one on Phase II, and that she wants to make sure that the access can not be interrupted. Mrs. Letendre asked Mr. Pagliarini to double check to see if there is any need to put something in place to make sure that doesn't happen. Mr. Pagliarini noted that they can address this.

There was discussion on the changes to the draft motion. Mr. Pagliarini asked if they can install the ISDS and a demolition permit without the Physical Alteration Permit. The Board noted that they are ok on the ISDS and a demo permit for the interior of the building. It was noted that the Planning Board has no issue, but that it is up to the Building Official.

Motion to approve the Preliminary Site Plans dated 11/15/07, revised 12/20/07 and stamped by a Registered Professional Engineer on 1/3/08, Sheets 1 through 5; and plan stamped by Landscape Architect dated January 4, 2008, consisting of one sheet (title block reads "Individual Sewage Disposal System" sheet 3 of 5) for the proposed Dunkin' Donuts drive-through, prepared for SLA Realty, LLC., prepared by American Engineering, Inc., with the following conditions:

1. The Final construction plan shall be submitted to the Town Planner for administrative review and approval by the Town Planner and the Planning Board Chair. (For Recording, a single sheet with all required legal data, the site layout, and the building elevations and floor plan is needed.)
2. provide easement document (including metes and bounds description) for cistern for fire suppression and pay \$1,500.00 fee in accordance with Hianloland Chief Parkinson's requirements,
3. submit an easement document for vehicular access throughout the site, if required
4. include lighting notes and details on Final plan for review and approval by Town
5. submit documentation from RIDOT pertaining to Physical Alteration Permit on the change of use
6. the consulting engineer shall review the revised plans and the applicant shall address all comments to the satisfaction of the Town, including maintenance and drainage agreements for the drainage system and detention ponds
7. All site work, infrastructure construction, and landscaping shall be fully completed, and inspected by the Town's consulting engineer, prior to issuance of a Certificate of Occupancy.
8. The applicant shall replenish the Project Review account as needed throughout the project.
9. This approval also pertains to the architecture plan dated 12/13/07, consisting one sheet prepared by Peter Van Erp, Architect, prepared for Frank Realejo; and including signage for one sign only, unless otherwise approved by the Zoning Board.
10. Change the note on Sheet 2 to indicate how the parking was calculated

This approval is based on the 5 findings of fact from the draft motion.

Ward-Berry (5-0)

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**Development Plan- Pre-Application**

“Office Building” – AP 6, Lot 35

-- On Route 3 (Nooseneck Hill Road); one new office building proposed (existing house to be razed)

Applicant/Owner: William Miller

-refer to TRC for comments on Pre-application

Attorney John Pagliarini, Jr. was present. Mr. William Miller was present in the audience.

Mr. Pagliarini gave an overview of the site and proposal. He explained that the proposed use an 8,000 square foot office building on an existing 31,842 square foot lot. He noted that no waivers or variances are required. He noted that the site proposes 37 parking spaces. He noted that there are no wetlands on the property and to the rear is a trailer park, to the right is the Tim Horton’s plaza and to the left is the trailer park also. He noted that the lot is zoned Highway Business. Mr. Pagliarini noted that there will probably be more than one user of the building, but that the use will be general office. It was noted that public water is available and septic has been proposed in the rear. Chairman Boyer asked about any buffer between this property and the mobile home park. Mr. Miller stated they could put in some fence. Chairman Boyer asked if there is any proposed screening(?). (there was no answer)

Mr. Lepak asked how big the building is and how much the lot coverage is. Mr. Pagliarini noted it is 8,000 square feet and is about 24% coverage.

Mr. Miller noted that there will be 4 units in the building and it will be one story. He noted that there will be a cellar for storage and boilers.

**CONSENT AGENDA**

**A. Acceptance of Minutes**

November 19, 2007 Regular Meeting

December 17, 2007 Regular Meeting

Motion to separate the consent agenda. Berry-O’Loughlin (5-0).

Motion to approve the minutes of the November 19, 2007 Regular Meeting. Berry-O’Loughlin (3-0) with Ward and Regan abstaining.

Motion to approve the minutes of the December 17, 2007 Regular Meeting. Berry-O’Loughlin (4-0) with Ward abstaining.

**PLANNING PROJECTS:**

**Amendments to Land Development and Subdivision Regulations- Public Hearing,**  
**cont.**

--Public Hearing on proposed changes

-- Discussion on requirements for mapping standards for existing conditions (topography and slopes)

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Mr. Lepak asked Mrs. Letendre if he should recuse himself on this since he did some consulting work on it 2 years ago. Mrs. Letendre noted that he does not need to recuse himself.

There was discussion on the buildable land. The Board confirmed that it shall be the whole minimum lot size, and then there was discussion on how much should be contiguous. It was decided that 70% of the minimum lot size needs to be contiguous and the building site has to be on the contiguous upland.

There was discussion on making the changes discussed from last month to the draft for the next meeting, and distributing a new copy to the Board members to review. Mr. Regan requested a list of questions for the Board to consider like before to go over also.

There was discussion on mapping standards for topography. Miss Paquet noted that she inquired of other communities what they require. Chairman Boyer explained what the issues are regarding using the USGS quadrangle sheets, and the Town requirements for subtracting out steep slopes. There was discussion on adding this to the checklist and a certification that the topographical data must conform to a certain standard. The Board decided to apply this to all projects, including site plans, and to add this to the subdivision regulations draft for next month. The Board reviewed the standards from other communities. All the members of the Board agreed to incorporate standards on topography.

Motion to continue the public hearing to a special meeting on January 28, 2008 at 6:30 p.m. Berry-Regan (5-0).

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

--review revisions and provide advisory recommendation to Town Council

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

--review draft ordinance and provide advisory recommendation to Town Council

**Zoning Alternatives-**

-- discussion on cluster and flex lot concepts

The above three agenda items were not discussed.

**Rules of Procedure**

-- consider adopting and implementing rules of procedure

The Board went over the list of rules provided from the Solicitor. The Board made changes to the draft so that it applies to West Greenwich. An amended draft will be ready for next month.

Motion to adjourn. Ward-Berry (5-0). The meeting ended at 9:50 p.m.

## **WEST GREENWICH**

**January 28, 2008**

### **PLANNING BOARD SPECIAL MEETING**

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A special meeting of the West Greenwich Planning Board was held on Monday, January 28, 2008. Present were: Chairman Mark Boyer, Tim Regan, Tom O'Loughlin, (7:00 p.m.), Brad Ward (7:26 p.m.) and alternates William Lepak and Bill Bryan (7:01 p.m.). Absent was: Vice Chair David Berry. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre, Esq. was present. Consulting Engineer Michael Zavalia was present. Chairman Boyer called the meeting to order at 6:41 p.m.

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#### **Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.**

--Public Hearing on proposed changes

Chairman Boyer went over his comments and questions on the proposed draft. His comments included: have Mrs. Letendre verify law definition of an Easement; have Mr. Zavalia add specification detail for a hammerhead turn-around and add to Article 14; where does the 2,000 square feet of land dedication come from?; underline for emphasis Article V. A. 2 last sentence regarding next available agenda; clarification and reflect current practice of signing and endorsing record plans by the Administrative Officer; waiver of development plan review requires a pre-application meeting in order to make the determination; go back to granite bounds per the procedural and technical standards for land surveying; maintain a minimum lot width of 200 feet, period; give the Planning Board discretion when it comes to the restriction of no interior angles greater than 200 degrees.

There was discussion on requiring a Class I survey for the original parcel boundary, and it was decided to add this to the checklists also. There was discussion on survey for the individual lots. Chairman Boyer noted that it is a calculation and researched it in the "Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island." It was determined that the interior lots also have to be a Class I.

Mr. Lepak commented on the wasted space at the header on each page.

Miss Paquet pointed out that she added a requirement of 15% landscaping for all development plans. The Board agreed with this. Mrs. Letendre noted this could be moved to the Design Standards section. Chairman Boyer noted he will check on language for the topography standards and ground controls.

Mrs. Letendre went over her comments and suggested changes before she left at 7:30 p.m.

Mr. Zavalia explained his recommended changes to separate the Drainage and Erosion Control sections under "Stormwater Management." He noted the trends he has seen regarding these two different functions and how they tend to be mixed together, and noted that for the West Greenwich regulations this needs to be reorganized. He went over his proposed sections. He noted that what also needs to be addressed is what happens when something goes wrong and how to enforce the requirements and make the developer fix the problem rather than the Town. He noted that he has proposed language to this effect.

The Board had discussion on erosion controls and wanted these standards to apply to individual lots also. There was discussion on having erosion control plans done for individual lots.

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The Planning Board discussed requiring site plans on each lot and decided to make this a requirement. The Board discussed sending a letter of recommendation to the Building Official to require site plans on all lots and that these plans have to be stamped by a PE or a PLS.

Mr. Zavalia discussed the Stormwater Management Plans and noted that in the past it was based on peak flow rates and now the focus is on controlling volumetric increases, and noted that this sometimes is manageable, but sometimes very difficult. He went over examples of site conditions of soils and high water tables and difficulty with infiltrating excess volume on certain sites. There was discussion on what kind of criteria to have the applicant demonstrate that they can't infiltrate. Mr. Zavalia discussed different methods for analysis of stormwater design. The Board decided to have Mr. Zavalia differentiate the standards for subdivisions versus site plans for the lots. There was further discussion.

Mr. Zavalia then went over the design for a 2, 10, 25, and 100 year storm. He noted it is easy for engineers to do the analysis because it is just a computer program that runs the numbers, but asked what storm the Town wants the infrastructure to be designed for. There was discussion on the issues with this. Mr. Zavalia noted that RIDEM requires design for the 100 year storm. He noted that the site will dictate the design. Mr. Zavalia will run a comparison of a hypothetical assessment on how much bigger the pipes would be and if the sediment gets stuck due to not enough scouring velocity. Mr. Regan suggesting using the storm we had in October 2 years ago.

Mr. Ward asked what authority the Town has to make the homeowner/violator repair the damage they may have made to a detention basin such as filling it in and asked if there was any language they could add to make people aware that they are not allowed to tamper with the drainage. He gave an example of a kids fort built on stilts in a detention basin that had to be removed.

The was discussion on "Environmentally Sensitive Areas" and the Board asked Mr. Zavalia to add "such as.." or, "including but not limited to.." because the Board still wants these areas to be considered in drainage design by the Town in the event that the application doesn't have to go to RIDEM Wetlands for review.

There was discussion on non-structural BMP's (Best Management Practices) and the philosophy of Low Impact Design. Mr. Zavalia noted that it is great to incorporate this but difficult to specify. He noted that the Board can give references of resources such as EPA and RIDEM and the Town's Stormwater Management Plan, and maybe two other references. He noted that he would like to add a page of checklist requirements to go along with this section.

Mr. Zavalia then went over the Kent County Water Authority comments. It was noted that the Board would like to incorporate the reference to "drought tolerant species."

Mr. Bryan suggested looking into incorporating the US Green Building Standards, as he had suggested before.

Motion to continue the public hearing to the February 11, 2008 meeting. Ward-O'Loughlin (5-0)  
Motion to adjourn. Ward-O'Loughlin (5-0) The meeting ended at 9:20 p.m.

**WEST GREENWICH**  
**February 11, 2008**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on February 11, 2008. Present were: Chairman Mark Boyer, Vice Chair David Berry, Brad Ward, Tim Regan, and alternate William Lepak. Absent were: Tom O'Loughlin and alternate Bill Bryan. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre, Esq. was present.

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

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**CONSENT AGENDA**

**A. Acceptance of Minutes**

January 14, 2008 Regular Meeting

January 28, 2008 Special Meeting

Motion to approve the consent agenda. Ward-Regan (4-0) with Berry abstaining.

**Minor Residential Subdivision: Request for Extension of Approval-  
"Pine Estate": AP 53, Lot 6-1**

--Off Hopkins Hill Road; 5 new lots with Road creation; Preliminary Plan approved January 22, 2007

Owner/Applicant: William Pine

Motion to extend the approval for the Preliminary plan entitled, "Pine Estate," Assessors Plat 53, Lot 6-1, prepared for William Pine, prepared by Alpha Associates, Ltd., dated May 2005, revised through November, 2006, sheets 1 through 7, with the original conditions as granted by the Planning Board on January 22, 2007, and with the condition that the owner pay the extension of approval fee of \$200.00. Ward-Berry (5-0).

**Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.**

The Board went over Miss Paquet's memo dated 1/28/08. The Planning Board agreed with all the changes, except the following comments:

- Steep slopes: Ask consulting engineer for methodology to calculate steep slopes. Boyer will have the certification on the topography standards before the next meeting.
- Planning Board can use discretion on second access for Major subdivisions, with input from Fire Chief.
- Would need to add vernal pool to definitions section, and see what other towns do. What are the pros and cons of regulating setbacks for vernal pools?
- 'discourage' buildings on hilltops and ridgelines
- Add more details on landscaping requirements from Coventry, that are reasonable
- Planning Board wants more for the Architecture requirements.
- Number of units in multifamily developments is a zoning issue, so wait until make changes to zoning for this.

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Using the same memo, the Planning Board then reviewed the suggested changes for the Zoning Ordinance. It was noted that these are actually requirements that can be in the Land Development and Subdivision Regulations. The Planning Board agreed with the changes, except for the following comments:

- The Planning Board recommends maximum impervious surface for Industrial of 60%, and for Highway and Neighborhood Business of 55%
- The Planning Board recommends a 100 foot setback between a Parking Lot edge to a Residential zone, for both Industrial and Commercial uses.
- The Board does not recommend changing setbacks for accessory buildings
- The Board agrees that the zoning buffers between industrial, commercial, and residential uses should be vegetated.
- Review of both the use matrix and the special use permit criteria will be looked at in the future, not now.
- The Board recognized that restaurants need all the parking spaces they can get, but that other uses should accommodate the average use. The Planning Board wants the authority to use best planning practices, and to look at our current requirements to see if they can be modified. The Board will need to look at this in more detail. The Board also wants to incorporate shared parking with a percentage overlap based on usage of what the business needs and what they expect. Also, it was noted that this item is actually a zoning requirement.

It was noted that these are land development and subdivision regulation items, and that eventually there should be authority in the zoning ordinance to allow the Planning Board to deviate during Development Plan Review. It was noted that these are really ‘site design standards for parking lots,’ as opposed to parking space requirements, which would be zoning. It was noted that we should get comments on this from the consulting engineer.

The Planning Board will review the proposed Landscaping and Architecture sections to be ready to discuss next month.

There was discussion on cul-de-sacs and possibly increasing the maximum length to 1,500 feet. The Board wanted to know what other Town’s do.

Motion to continue the public hearing to the March 17, 2008 meeting. Ward-Berry (5-0).

**Rules of Procedure**

--Review changes and adopt rules

Motion to adopt the Rules of Procedure. Ward-Berry (5-0)

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

Not discussed

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

- Affordable Housing Plan Implementation

Not discussed

Motion to adjourn. Ward-Berry (5-0). The meeting ended at 9:00 p.m.

**WEST GREENWICH**  
**February 19, 2008**  
**PLANNING BOARD SPECIAL MEETING**

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A special joint meeting of the West Greenwich Planning Board was held on Tuesday, February 19, 2008. Present were: Vice Chairman David Berry, Tim Regan, Brad Ward, and alternates William Lepak, and Bill Bryan.

Absent were: Chairman Mark Boyer and Tom O'Loughlin. Town Planner Jennifer Paquet was absent also.

Present from the Town Council were: President Thaylen Waltonen, Robert Andrews, Robert Butler, Mark Tourgee, and Susan Woloohojian.

Present from the Zoning Board were: Chairman Kenneth Jones, Richard Freeman, Dr. Clyde Fish, Charlotte Jolls, Edward Stone, and Gregory Breene

The meeting began at 7:30 p.m.

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**Joint meeting with Town Council and Zoning Board**

Re:

Discussion on Application by Universal Properties for Zone Change proposing Village Special Management District: AP 1 Lot 10-1 and 10-3, 13, & 15

--Current Zoning is Highway Business; On corner of Division Street and New London Turnpike;

Attorney John Pagliarini, Jr. and Mr. Nicolas Cambio were present.

The Town Council requested a joint meeting with the Planning Board and the Zoning Board to discuss the proposed use of the property. There was discussion. The Town Council asked the Planning Board to add this item to their March 17, 2008 regular Planning Board meeting.

The meeting ended on or about 10:30 p.m.

## **WEST GREENWICH**

**March 17, 2008**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on March 17, 2008. Present were: Vice Chair David Berry, Brad Ward, Tim Regan, Tom O'Loughlin, and alternate William Lepak. Absent were: Chairman Mark Boyer and alternate Bill Bryan. Town Planner Jennifer Paquet was present. Town Solicitor Michael Ursillo, Esq. was present. Vice Chairman Berry called the meeting to order at 7:00 p.m.

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### **CONSENT AGENDA (CA)**

#### **A. Acceptance of Minutes**

February 11, 2008 Regular Meeting

February 19, 2008 Special Meeting

Mr. Lepak noted the end time for the February 19, 2008 meeting is needed. It was noted that the meeting ended around 10:30 p.m. Motion to approve the consent agenda as amended. Ward-Regan (4-0) with O'Loughlin abstaining.

### **PUBLIC HEARINGS**

#### **Amendment to Comprehensive Plan Public Hearing (New) and Advisory Opinion to Town Council on application for Zoning Amendment and Zone Change proposing Senior Housing District: AP 1 Lot 10-1 and 10-3, 13, & 15**

--Current Zoning is Highway Business; Proposed Zoning is to create a new Zoning District for these parcels. On corner of Division Street and New London Turnpike;

Owner: Universal Properties (Nicolas Cambio)

- Associated Administrative Subdivision between AP 1 Lots 10-1 & 10-3 to align proposed zoning district boundary

Vice Chairman Berry recapped the previous public hearing on this application and noted that the Planning Board voted to deny the Comprehensive Plan amendment and sent a recommendation for denial on the zone change to the Town Council. He noted that there was later discussion at a joint meeting with the Planning Board, Town Council, and the Zoning Board and that a lot of the neighbors participated in that meeting. He noted that the issues were discussed, such as keeping the front for commercial and leaving the back for senior residential. He noted that the application has been revised and is back before the Planning Board for a new public hearing.

Motion to open the public hearing. Ward-Regan (5-0)

Attorney John A. Pagliarini, Jr. approached the Board. Mr. Cambio was present in the audience. Mr. Pagliarini explained the features of the concept plan including the 6 acres to remain Highway Business, and explained there is a proposed administrative subdivision to move the lot line to coincide with the boundary between the zoning districts, where lot 10-3 would become a 24-acre parcel for the residential, and then about 5.2 acres to be Highway Business on New London Turnpike (the remainder of Lot 10-1). He noted that in addition, the two Lepre houses which are 2 acres of land will be brought into the Senior Residential District, but one acre of that ultimately will be administratively subdivided into the commercial piece.

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Mr. Pagliarini noted that they are proposing new construction of 126 units plus the two Lepre properties for a total of 128 total units. He noted that they show the access point where their traffic consultant previously explained is the best area for traffic.

Mr. Pagliarini explained they are trying to purchase a portion of the Division Street right of way from the State for a buffer. He pointed out the location for a proposed club house, with 17 parking spaces. He noted that this application has been properly readvertised for the amendment to the Comprehensive Plan.

Mr. Pagliarini noted that the submitted draft is specific to this site, and that the Board has received another draft with suggested changes from the Town Planner to apply this ordinance generally Town-wide, which removed all the site specific language and added more Town general language. He asked the Board if they would like to apply this generally or keep it specific to this site. Mr. Ward noted to keep it site specific and asked if they have access to public sewer and public water where the source is generated from off-site. Mr. Pagliarini stated yes. Mr. Ward asked if they have already made application to the State to purchase the buffer area. Mr. Pagliarini noted that it would probably be later this week. Vice Chairman Berry also agreed to keep it site specific noting that it would be better than trying to rush through something that someone else in Town could take and use in Town. Solicitor Ursillo explained that this is a policy issue, not a legal issue, and that the Board has the right to go either way, but noted that it seems to make sense to keep it site specific.

Mr. Ward asked Mr. Pagliarini about the previous promises from the developer and asked if there will still be no curb cuts on Division Street. Mr. Pagliarini noted there would be no access on Division with two caveats, the existing Lepre homes and a requirement from Lake Mishnock Fire Company for as an emergency access with break-through gate which could go over the utility easement. Mr. Ward noted that this is a typical request and has been done for other projects.

Mr. Ward asked if the buffer zone with plantings along Division Street is still in effect. Mr. Pagliarini stated yes and it would be 500 evergreens. Mr. Cambio stated it would be white pines.

Mr. Ward asked if all the units would be limited to one-story. Mr. Pagliarini stated yes, one-story and noted that the tallest building would be the club house.

Vice Chairman Berry asked if the administrative subdivision also addressed the Lepre properties. Mr. Pagliarini noted that it does not, but that there is an expectation that there will be a line across the back of the property, split probably half-way. Mr. Berry asked which zone the Lepre properties would be. Mr. Pagliarini noted they would be in the Senior Residential District. Solicitor Ursillo noted that they would be non-conforming. Mr. Pagliarini noted that event though they would be in the SRD, that they would be excepted out of everything, such as the age-restriction.

Mr. Ward asked what type of businesses will go on the 6 acres of commercial land and if a truck stop could go there. Mr. Pagliarini noted that everybody said they wanted Highway Business, and that what ever use is allowed could go there. There was discussion on a truck stop. Mr.

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Cambio stated that he will assure the Board in writing that he will eliminate it. Mr. Cambio further stated that he will guarantee retail or office and no more than two stories. Mr. Ward noted that this cuts out a lot of offensive uses that could go there.

Mr. Pagliarini passed out a new copy of the proposed ordinance which was the original version of the Senior Residential District, with some of Miss Paquet's suggested changes made to it, shown in track-changes. The audience objected to new material being submitted during the meeting. Extra copies were passed out to the audience members. Mr. Pagliarini went over the proposed changes to the original version. It was noted that while this is a public hearing for the Comprehensive Plan amendment, that the Board will review the proposed zoning amendment prior to making a motion on the Comprehensive Plan.

Mr. Pagliarini noted that the first change is under section 6 where Miss Paquet suggested to eliminate the underground parking garages and to prohibit playgrounds. The next change is section 7 where Miss Paquet suggested adding that this is a municipal subsidy program for the creation of low or moderate income housing. On page 4 letter h., Miss Paquet suggested that the phrase multi-family be added, and for j. to change the buffer from the pavement to the property line. Vice Chairman Berry asked if the purchase of the Division Street right-of-way is doable. Mr. Pagliarini noted that this is a common request on the State Properties Commission.

Mr. Pagliarini noted the next changes: on page 5 the reference to parking garages was stricken; in section 9 the sixty percent pervious was inconsistent with the maximum impervious and was changed to forty percent; at the end of section 9 add also the Land Development and Subdivision Regulations; remove section 11; in the new section 11, change "uses" to "structures;" eliminate section 13., in the new section 12 change the "shall" to "may;" add new section 14 on "Age Restriction and Affordable Housing."

Mr. Berry asked if the Applicability section should be more specific. It was decided to add in the Assessor's Plat 1, Lots 10-3, 13, and 15. There was discussion on open space fees. It was noted it is a Town Council issue, not a Planning issue.

There was discussion on the portion of the site to remain Highway Business. Mr. Cambio noted that he doesn't want any access for the commercial on Division Street, and it will be in writing.

Solicitor Ursillo noted that Mr. Cambio is suggesting that he will agree in writing that there will be no access to the commercial property on Division Street, that the retail use will be limited to 2 stories, and that there won't be a truck stop there. He explained that those items would have to be subject to a side agreement signed by Mr. Cambio because he can bind himself, but the Board can not bind those items.

Mr. Ward explained that while the commercial is being separated by an administrative subdivision and so are two separate entities, the reason the Board is allowing this to go through is because of these concessions including the ones on the development of the commercial portion. He asked to see a stipulation that the Lepre houses remain residential and not become commercial. It was noted that the Lepre properties would be in the senior residential district. It was noted that this is taken care of in the motion.

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Mr. Cambio noted that he will need signage for the commercial development. It was noted that it is not applicable to this application.

Vice Chairman Berry asked if the Board had any more questions.

Mr. O'Loughlin asked about the difference between the proposed 20 foot side yard setback and the minimum 15 feet between units. Mr. Pagliarini explained that it is the side yard setback, not the separation between the buildings and doesn't really mean anything here. Mr. O'Loughlin clarified that this section applies to the exterior property lines and since it is condos there aren't really property lines between the units.

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

Adrian Knott, 61 Browns Corner Road, asked for clarification under the section "Purpose" on what is meant by "to increase the amount of Open Space and pervious areas that would otherwise be permitted." Mr. Pagliarini explained that right now in Highway Business you can pave one hundred percent of the parcel, and the proposed SRD has a maximum of sixty percent. Mr. Knott referred to page 5 section 9 under landscaping and pointed out that it should say 40% in the second paragraph. It was noted that this will be corrected. Mr. Knott asked what the "procedure to be formulated" will be. It was noted that this language was in the proposed change to the Comprehensive Plan and is no longer applicable. Mr. Knott asked if the sewers are going to be brought in by Mr. Cambio and if they are going to be Town-owned and if the Town can tax the use of them. Mr. Pagliarini noted that they will be town owned and the Town of West Warwick will collect the wheeling fee, and that it will be similar to the development agreement with LeCesse because the town doesn't want to be in the "sewer business." Mr. Knott asked if the existing residents will be able to tie in to the sewer. Mr. Ursillo noted that the reserve capacity that Mr. Cambio has only covers his property, and that if the residents wanted to tie in, the Town Council would have to release some more reserve capacity and then find out a way to tie into Mr. Cambio's lines.

Vice Chairman Berry noted that there should be some language clarifying what is meant by "public" water and sewer. It was noted to add, "originate from an off-site source."

Sandy Bockes, Hazard Road, noted on page 4 under f. and g. that usually accessory buildings are lower than the regular buildings. She then asked what is meant by "gables" and if this is supposed to be "chimneys," because gables are just the triangular section under the roof. Mr. Cambio noted that the buildings are about 32 feet tall to the peaks. Mr. Pagliarini noted that it is supposed to be gables. There was discussion on the height of the buildings and the roofs. Mr. Pagliarini noted that the clubhouse is an accessory use, but it is taller than the houses. It was decided to flag this issue and to address it at the Town Council meeting. It was decided to specify the club house at 25 feet and to make other accessory uses limited to 15 feet.

Ray Dauplais, 12 Carrs Pond Road, suggested changing the height limit to just be limited to a one-story buildings. It was noted that this is in the ordinance.

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Milton Eastman, 20 Division Road, expressed concern about Mr. Cambio purchasing the buffer and asked what the buffer is. It was noted that it is 75 feet from the property line. Mr. Eastman asked about Green Line Road and asked if it will be relocated to the utility easement. Mr. Pagliarini noted that it will not change and that there are potentially two parties that have rights to that right-of-way. He noted that he is basically in favor of the project.

Vice Chairman Berry explained to the audience that this project will still have to come back to the Board for review and that tonight they are only looking at the concept. Mr. Eastman expressed concern that it could change because it is just a concept. It was explained that the parameters are set up in the ordinance and that things like the number of units and the buffers won't change.

Harris Hammersmith, 16 Julie Court, pointed out the lot he owns where he has a tower site, and explained that his parcel has access on the Green Line Road. Mr. Hammersmith asked for definitions of these areas. He asked how the right of way for the power is going to be addressed. He noted that he has not had any answers as to how he is going to be addressed on his property even though he has deeds. He noted that he has asked for a buffer and access or easements, and noted that he has asked this of Mr. Pagliarini before. It was noted that the buffer is on Division Road. Mr. Hammersmith asked for a 75 foot buffer. Mr. Pagliarini noted that Mr. Hammersmith's property has no street frontage and is a commercial property. Mr. Hammersmith again asked for a 75 foot buffer zone for his property. He asked why he should have devalued property because he can not talk to anybody about how he is going to get a street in. There was dialogue between Mr. Hammersmith and Mr. Pagliarini about access. Solicitor Ursillo explained to Mr. Hammersmith that he is subject to whatever recorded right-of-ways or easements that exist, and they have to be honored. Mr. Hammersmith agreed, but argued that nobody wants to come to the plate to talk to him even though he has presented this to the applicant. Mr. Hammersmith noted that he wants Mr. Cambio's parcels to remain zoned Highway Business, and that he doesn't see any sense in impacting his site with a Residential area. Mr. Hammersmith submitted an Exhibit to the Board of his past letters dated 12/29/07 and 3/24/07 to the Town. Mr. Hammersmith asked if the gates are going to be on Green Line Road. Mr. Pagliarini stated no and that he can't put it on somebody else's property. There was discussion. Mr. Hammersmith asked again for a buffer. Mr. Ward disagreed with a buffer for the commercial property and noted that the Town does not buffer commercial property from a residential use.

Adrian Knott, 61 Browns Corner Road, asked if everything before is null and void. Solicitor Ursillo explained that the denial killed the project and that this is a new application.

Roger Martin, 21 Carrs Pond Road, asked if the low-mod housing is also age-restricted. It was noted that it would be age-restricted. Mr. Martin asked if this density is the same density that the Town is going to adopt for future age-restricted developments. It was noted that this only applies to this site. Vice Chairman Berry noted that the Town doesn't currently have a Senior Residential Village Zoning ordinance yet, and noted the Board chose not to rush that through for this. Mr. Martin asked if that is the same density. It was noted that the proposal is more dense. Mr. Martin noted that it is a dramatic change for the Town to have these types of developments with this density scattered about, and asked if it should be voted on by all the people in the Town

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by a referendum. Vice Chairman Berry explained that it would go through a whole approval process and that is why it is not being applied here. He explained that rather than trying to go and rush through and pass something that may have a bunch of loop holes or may not make sense for the whole Town, then let's look at this specific ordinance for here and then worry about the other ordinance later. Mr. Martin noted that there could be something like this that doesn't fit anything else that the Town develops in the future.

Suzanne Martin, stated that the Town may decide that they don't have a need for any of this and they don't want it, and then there is this parcel that is developed that doesn't fit with anything else in Town.

Mr. Martin, stated that the commercial has gotten a little bigger now and it has taken on a life of it's own and that it is a little scary and he is afraid there is going to be a five-story medical building there. It was noted that Mr. Cambio agreed to no more than two stories.

Mr. Martin, asked what is stopping a property owner like Arlington Trailer from doing the same exact thing across the street. Miss Paquet explained that the Board had just written into the ordinance that this is specific to these four parcels, so that no one else has the option to apply this ordinance. Mrs. Martin noted that that is not fair. Mr. Martin asked how you can stop anyone from doing it. Miss Paquet explained that anyone has the right to apply for a zone change. Mr. Martin asked what is stopping these types of developments throughout town, because there doesn't seem to be anything from stopping this throughout town.

Mr. Ward noted that at the Council meeting there were two proposals put forth, one was this proposal with the changes to accommodate the Highway Business, and the other was all Highway Business. He explained that it is not easy sitting on the Planning Board, and the thing is that this is a hard decision with this parcel. He noted that he wishes he could say that the Town will buy all the land and preserve it and it's done, but unfortunately, the reality is that the financial mechanics is impossible and it is not going to happen. He noted that we are either going to get this development as submitted with the changes being ironed out tonight, or we are going to get a commercial development with the lot lines shown at the other meeting, which is in accordance with the regulations, and as painful as it is he would approve it and try to look out for the best interest of the residents. He noted that he believes that this proposal, with the stipulations, is in the best interest all around for the residents. He noted that if the residents want to make the recommendation to the Council to lower the density, they can make that recommendation. He noted if the applicant is unwilling to lower the density, that he can withdraw his application and do commercial. Mr. Martin stated that the Town has a nice website all about how the 95 corridor is being saved for commercial and retail development and noted that this proposal is not that. He stated that it doesn't fit with the vision of the Town, and after what he heard tonight he thinks we might be better off making it all residential. There was discussion on the previous proposed densities.

Town Administrator Breene, in the audience, explained that the safety valve to prevent these from popping up all over Town is that the only way you can do it is if you have sewer and water.

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Mr. Hammersmith, asked if he could build a home on his property. It was noted he could with a Special Use Permit because his property is zoned Highway Business.

Paul Kaltschnee, 81 Carrs Pond Road, noted that there was a proposal for this site about 1 or 2 years ago, and that on March 30 last year, this Board sent an advisory opinion to the Town Council recommending to approve a concept of 123 units on 30 acres, but immediately the applicant withdrew. Mr. Kaltschnee noted that these structures should be limited to one story and that the document does not state this. He asked why the documents states “rental units” in the findings. Solicitor Ursillo noted that anyone can rent out a house, and it was noted that they would have to be over 55. Mr. Kaltschnee stated that he resented the language in the findings that states, “to relieve development pressure from more sensitive areas of Town” and expressed concern that this statement pits east-side against west-side, and asked that this language be stricken. He The Board decided to strike this. Mr. Kaltschnee pointed out that everybody came together and voted for the 1,600 acres as a total town, both east-side and west-side unanimously to protect the land to maintain the rural character of the community, and remarked, “so much for that for this end of Town.” Town Administrator Breene, explained that we’ve also preserved almost 800 acres on the east side of Town, and noted all the land preservation doesn’t just happen on the west end, and there has been quite a lot on the east end. Mr. Kaltschnee stated that his point is that he hates to see this type of density anywhere in Town.

Mr. Kaltschnee noted some rural towns look at 10,000 square feet per unit versus 8,000 square feet per unit and noted this is something that the Planning Board might want to look at, along with requiring a certain percentage of the units to be one-bedroom, and changing some internal amenities such as granite counter tops to make some affordable units. He then noted that the 13.5% was approved for the Centre of New England a few years ago, and noted that he hasn’t seen this in anything else the Town is working on. He noted that the Senior Village is looking at 30% affordable housing and the Inclusionary Zoning is looking at 25% affordable housing, and noted that he thinks it should be at least 20% for this development.

It was decided to add a k. on page 4 to read, “no building shall exceed one story in height.”

Adrian Knott, objected to changing the zoning off of Highway Business. He noted that many of the boards had assigned Highway Business to the different sections of Interstate 95 to develop that area so that the residential areas can stay residential and the farms could stay farms. He expressed concern of rezoning residential lots to highway business when a highway business uses comes along in a few years. Vice Chairman Berry noted that this is one of the things that the Board looked at and that this application has come back as a mixed solution with a commercial element and a commercial element. There was discussion.

Mr. Kaltschnee asked why it is 13.5% for the affordable housing, when the other things the Town is looking at is 20-30%. The Board noted that the Town has not approved the other documents and the Council might not adopt it with those percentages.

Lori Urso, 73 Carrs Pond Road, stated her objection to the zone change and the Comprehensive Plan change and noted that she feels that zoning and comprehensive planning are long-term visionary tools and that these site by site changes to Comprehensive Plans do not serve to jive

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with the long-term visions that the Town creates. She stated that resourceful developers use this approach time and time again where they come in with an over-the-top proposal of 200 units at 5 stories high, and then get the officials to feel that they are achieving compromise by coming up with this kind of density. She stated that she would think that this Board is experienced enough not to fall for that or the ultimatum that if you don't buy this that we are going to put in a truck stop, which is just way to scare the Town into thinking this is a better solution. She asked the Board not to entertain the zone change or the comp plan change or this density or any of these other scare tactics.

Robert Butler, Town Council member in the audience, stated that the percentage of units of low-mod is something that the Town is dealing with that has not yet been established

Mary Kaltschnee, 81 Carrs Pond Road, referring to the Town Council meeting when someone said the petition was biased, and stated that out of 66 people who had a choice to sign the petition, only one person didn't sign it and the one person was Mr. Miller who wrote the letter the Board received.

Roger Martin, Carrs Pond Road, asked if anyone has looked at the impact that this is going to have on Fire and Rescue, and noted that over the last five years, you heard maybe one rescue and now you hear Fire and Rescue times a day and noted that they are going to be hearing these things constantly. There was discussion.

Steve Miller, 18 Carrs Pond Road, stated that he doesn't think he is the only one who would prefer residential over commercial and noted that he would like to see the whole thing residential and forget the commercial. He noted that he can't think of any commercial that he would like to have at the end of his street, and noted that there is no control because it is already zoned for it. He noted that if it is residential, there will be a contract with Mr. Cambio with restrictions and limitations as to what he can do, and that it will also be 40% pervious, whereas commercial could be 100% paved. He again noted he would scrap the commercial and make the whole thing residential. He reiterated that he has had conversations with other people and that he is not the only one who wants residential.

**Motion** to close the public hearing. Ward-Regan (5-0).

Solicitor Ursillo noted that changes are needed to the draft motions, based upon discussions tonight. Changes to the motions were discussed and changes to the zoning text were reconfirmed.

**Motion** to amend the Comprehensive Plan Housing Element and the Future Land Use Map as follows:

1. Add Housing Goal #10. Promote housing options for seniors that provide homes or apartments with low maintenance responsibilities, and which considers Low and Moderate Income housing;

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2. Add Housing Policy #15. Encourage private, close-knit neighborhood community developments, which are age-restricted to those 55 and older, in areas appropriate for higher density residential development;
3. Add Housing Implementation. Create a new Zoning District for age-restricted residential development, which allows increased density where public sewer and water are available.
4. Amend the Future Land Use Map for AP 1, Lots\* 10-3, 13, & 15 to so designate the land for Senior Residential Development. (\*after Administrative subdivision as shown on plan by DiPrete Engineering)

#### Findings of Fact:

1. This area of approximately 24 acres has been identified in the Comprehensive Plan Affordable Housing Plan for the future development of a multifamily, age-restricted residential development due to its proximity to existing and future commercial developments, public water, and public sewer.
2. The intent of the Senior Residential zoning district is to promote varied housing opportunities in the Town of West Greenwich

#### *Conditions of Approval (required by State Law):*

1. This plan element shall not become effective for the purpose of guiding the State of Rhode Island or any of its agencies until it has been approved by the State of Rhode Island, in accordance with the manner prescribed in the Comprehensive Community planning and Land Use Regulation Act, or pursuant to any rules and regulations as adopted pursuant thereto; and,
2. The plan amendment shall become effective for the purpose of conforming municipal land use decision upon adoption by both the Planning Board and the Town Council.

#### *Other Conditions of Approval:*

1. That the applicant reimburse the Town for the costs of the Planning Board Public Hearing meeting notice requirements (3 notices in Providence Journal).  
Ward-Lepak (5-0).

**Motion** to recommend that the Town Council APPROVE the amendments to the Comprehensive Plan Housing Element and the Future Land Use Map, as approved by the Planning Board above.  
Ward-Regan (5-0)

**Motion** to recommend that the Town Council APPROVE the proposed text amendments to the Zoning Ordinance, as presented and amended at the meeting, based upon the following findings of fact:

1. That the proposed Senior Residential zoning district provides housing options for seniors.
2. That the proposed zone change is consistent with the following purposes of zoning as contained in RIGL 45-24-30.
  - a. Promoting the public health, safety, and general welfare.

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- b. Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- c. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the comprehensive plan.
- 3. That the owner has offered and will sign an agreement with the Town that for the Highway Business portion of this property there will be
  - 1. a height restriction to no more than two-story buildings
  - 2. no access on Division Road
  - 3. a truck stop shall be prohibited

Ward-Regan (5-0).

**Motion** to recommend that the Town Council APPROVE the application by Commerce Park Associates 12, LLC to change the zoning of AP 1, Lots 10-3, 13, and 15 from Highway Business to the proposed Senior Residential District, with the following conditions and based upon the following findings of fact:

Conditions of Zoning District change approval:

- 1. The Master Plan for the Centre of New England shall be amended to remove the anticipated Gramercy at Greenwich senior housing component, but allow the required affordable housing, based on 13.5% of the total housing units.
- 2. The development shall be limited in use to age-restricted multi-family residential land development, of which 13.5 percent of the units shall qualify under the Rhode Island Low-Moderate Income Housing Act. These units may be located either within the proposed development, in the Exit 7 SMD, or elsewhere within the Town of West Greenwich.
- 3. All uses within the parcels shall be serviced by public water supplied by either Kent County Water Authority or from the area now occupied by the Center of New England, and shall be serviced by public sewers.
- 4. Vehicular access to the property shall be from New London Turnpike only, and not from abutting residential streets, including Division Street, located in the Town of West Greenwich or the Town of East Greenwich.
- 5. At the time of a Master Plan submission, the Planning Board shall determine proper phasing of development of the site to avoid burdening town services and ensure that public safety is not compromised.
- 6. The total number of residential units to be developed at this site shall not exceed 130 total units.
- 7. The two existing residential unit(s) may continue with a minimum of 20,000 square feet of land each (Lots 13 & 15), shall be connected to public sewer and water, and shall not be restricted to the maximum 2 bedrooms per unit under the Senior Residential District.
- 8. There shall be a vegetated buffer along Division Street consisting of a minimum of 500 evergreen trees.

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9. The West Greenwich Official Zoning Map shall be amended to show AP 1, Lots 10-3, 13, & 15, to be designated as Senior Residential zoning district, in accordance with the lot line changes in the proposed "Administrative Subdivision AP 1, Lots 10-1 & 10-3, prepared by DiPrete Engineering, prepared for Commerce Park Associates 12, LLC, dated 3/4/08, stamped by Registered Professional Surveyor Timothy S. Tarbox on 3/5/08.

Findings of Fact:

- 1) That the proposed Senior Residential zoning district provides housing options for seniors.
- 2) The Town recognizes that the parcels under consideration for rezoning are currently zoned Highway Business, and that it is important to reserve the 6 acres of land at the New London Turnpike for Highway Business use as currently zoned, due to their proximity to highway access and public water, rather than for residential development in the manner requested. However, the Town recognizes that the proposed age-restricted residential use for the remainder of the parcels would be a more suitable use for the majority of this site than commercial development, due to the proximity to existing residential development and the projected net-positive fiscal impact.
- 3) The proposed site serves as a transitional zone between the existing 2-acre residential neighborhood and the proximal highway and highway business uses.

Ward-Lepak (5-0).

**Community Development Block Grant (CDBG) : 2008 Grant Round**

-- CDBG Community Development Consortium consultant, Jeff Gofton, to introduce the CDBG applications for this year.

- Provide Advisory Opinion to Town Council

Jeff Gofton approached the Board and explained each of this year's Community Development Block Grant requests. Miss Paquet asked why Housing Rehabilitation is not included this year. Mr. Gofton explained that there is a backlog of previous year's funding for that program so there is no benefit to applying for money in this round, because it will not be awarded.

Mr. Lepak asked if the amount the Town is eligible to apply for has been reduced due to the current state of the economy. Mr. Gofton stated that he didn't know and noted that the amount the Town can request is still the same.

**Motion to** make a finding that the following proposed projects in the 2008 CDBG request are not inconsistent with the Comprehensive Plan and that the Planning Board recommends to the Town Council the following priority order:

1. Blueberry Heights Utility relocation
2. Housing Information Program
3. Washington County Community Development Corporation
4. Community Housing Land Trust
5. South County Community Action

Ward-Regan (5-0). Mr. Gofton presented the required signature form to be submitted with the application for acting Chair Berry to sign.

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**Major Residential Subdivision: Master Plan Public Informational Meeting**

“Regina Estates” – AP 23, Lots 50, 45-5, & 109

--On Regina Drive Road; 5 new frontage lots proposed (plus one existing house lot)

Applicant: MPDR Construction Co., Inc. (Ronald A. Maggiacomo)

Mr. Robert Boyer, PLS from Boyer Associates approached the Board. Mr. Boyer passed out the reports on the wells, and noted that Fuss & O’Neill suggested that one of the wells be retested. He noted that the cistern needs grading around it. He noted that there was one driveway that they are going to move.

Mr. Boyer stated that the EPA documents were prepared for recording, but all the paperwork isn’t filled out but it is all set.

The Board went over the comments from the Town Planner.

**Motion to** approve the Regina Estates Master Plan for AP 23, Lots 50, 45-5, & 109-1, dated Nov. 29, 2007, revised 2/10/08 prepared for MPDR Construction Co., Inc., prepared by Robert B. Boyer, PLS with the following conditions:

1. the applicant shall reimburse the Town for the cost of the Master Plan Public Informational Meeting advertisement in the Providence Journal (March 5, 2008, \$289.04); and that the applicant reimburse the Town for the previous Preliminary Plan Hearing Advertisement (199.12).
2. The applicant shall have another pump test performed on each well, and also monitor and record the information for the resting wells while each well is being pumped. This study is due at Preliminary Plan submission and the application will not be complete until this study is provided.
3. That the house lots be designed for zero net increase in runoff volume and that infiltration design be shown on the Preliminary Plan. (this information is actually shown on the Master Plan, but will be reviewed at the Preliminary Plan stage.)
4. That the engineering is not part of this Master Plan approval, and that the Preliminary Plans be reviewed by the Town’s consulting engineer.
5. The Project Review account shall be replenished with \$3,000.00 for review of engineering and inspections.
6. Submit easement document for cistern, along with plan/statement for correcting the cistern installation for Preliminary Plan.
7. The applicant shall pay the Town of West Greenwich \$35,000.00 for the expenses on the unfinished section of Regina Drive.
8. Receive RIDEM release before Preliminary Plan submission.
9. All the lots need adequate bearing capacity of the soil for the location of the house.

This motion is based on the following findings of fact:

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1. That the Planning Board finds that there is limited groundwater supplies within the general vicinity of this site due to the unique bedrock of the area, and that further extraction of ground water resources may significantly negatively impact the abutting properties, or may not even be adequately available for the proposed lots. Groundwater resources are potentially threatened by the increased demands of the proposed additional house lots.
2. That Regina Drive is an unfinished, unaccepted road proposed for public use, for which the Town has paid construction costs, and seeks to recoup this cost, similarly to the Stubble Brook Road fund.
3. That minimizing increased volume of runoff due to increasing impervious surfaces helps prevent flooding down stream, and that infiltration helps to maintain groundwater recharge.
4. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
5. That each lot in the subdivision conforms to the standards and provision of the West Greenwich Zoning Ordinance.
6. 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;
7. 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.
8. That the proposed subdivision lots have adequate and permanent legal access to a public street;
9. 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,
10. That, with conditions, the design of building lots, utilities, drainage improvements and other improvements in the proposed subdivision shall minimize flooding and soil erosion.

Ward- O'Loughlin (5-0).

**Major Land Development Project: Amendment to G-TECH Campus Master Plan**

“West Greenwich Business Park” – AP 3, Lots 1-1, 1-7, 1-8, and 19

--Hopkins Hill Road and Technology Way; Corporate Zoning District;

Applicant/ Owner: Condyne, LLC

Andrew Chagnon, PE and John Shevlin, PE from PARE Corporation approached the Board. Mr. Chagnon went over the proposed changes to the Master Plan, noting that it was previously known as the GTECH Master Plan and is now called the West Greenwich Business Park.

Mr. Chagnon went over the comments from Miss Paquet. He noted that they divided lot 8 into two lots for marketing purposes so that the potential buyer can see the area that they would control. He noted the other major change of the addition of a new entrance off Technology Way at lot 2. He explained that the reason is that some potential buyers have been looking at lot 2 and

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have expressed an interest in being able to secure the lot with a gated access, and to keep it separate from the rest of the lots. He noted that if that does happen, it would cut off the main access so they added the additional access so that there would still be access to the park through Technology Way.

Mr. Chagnon noted that the plans he is presenting tonight are slightly different than the plans the Board has, because they have reconfigured the lots to remove the tab of land out to Hopkins Hill Road. Mr. Chagnon explained the shapes of the lots.

Mr. Chagnon noted that one of the original conditions of approval was to control volume of water from the site. He requested that the Board reconsider this condition and noted that they did an actual drainage analysis for lot 2 and they came up with an infiltration system made of 3,600 linear feet of 7 foot diameter pipe under the parking lot. Mr. Chagnon noted that he has provided a letter to the Planner outlining a few sources for standards, such as the LEED regulations, or the current RIDEM regulations. Solicitor Ursillo asked if these regulations address volume. Mr. Chagnon stated that they do address an infiltration volume of how much of the stormwater you should infiltrate on site.

Mr. Ward asked what they plan on doing with the excess volume that they can't control. Mr. Chagnon stated that they are proposing a series of small detention ponds, and in addition they would have infiltration on site, and an overflow from the site to the wetlands on the site. There was discussion. Mr. Ward asked if there would be no adverse impact from flooding as a result of the Board alleviating the zero net runoff requirement. Mr. Chagnon stated there would not. He noted that there would be no increase in peak discharge from the site, which would be most likely to cause downstream flooding. There was discussion. It was decided to get a recommendation from the Town's consulting engineer who is helping the Town with the new drainage standards. Mr. Ward noted he would like to have some guarantee to address his concern that if the Board does allow the standard to be changed that it could adversely impact somebody abutting the wetlands and flood them out. He asked for some assurances in writing that thoroughly states that it will not occur due to the Board alleviating the zero net volume runoff. Mr. Chagnon stated that they will have to provide information to RIDEM to show that they will not add to down stream flooding.

Mr. Chagnon went over the letter from Thalmann Engineering. He noted that many of the issues have to do with internal maintenance and easements. Miss Paquet passed out an updated letter from Thalmann Engineering, which includes the traffic comments. Mr. John Shevlin, PE from PARE discussed the traffic. For item 1 with regard to site distance, he noted that they need 450 feet of site distance to the south and noted that if they just meet this, and there are no issues to the north. He noted that if they need to, they can incorporate a signal or signage before the intersection. For the second item regarding either a signalized or unsignalized intersection, he noted that the recommendation from Thalmann was to make this a right turn in and right turn out only until it became a signalized intersection. He noted that the applicant is willing to do this but that he didn't think it is absolutely necessary because for the most part the traffic leaving the site or entering the site from the north would be more likely to use the signalized intersection. He noted that they are willing to incorporate this. For the third comment pertaining to phasing, he noted that they have not finalized what improvements are needed to be done when, and noted

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that this is something that they would be coming back before the Board as each lot is developed, and at that time they would have a better idea of what exactly needs to be done. He noted that they have a list of mitigation at the end of the traffic report for the full built development and noted that they are going to need to go to RIDOT for a PAPA. Miss Paquet asked if this might not have to go to RIDOT, and noted that the Town would still need review the same the information. Mr. Shevlin noted that they have talked to RIDOT early on and that they said they would go ahead and review it and noted that they looked at it when they did AMGEN. He noted that it is not a State road, but that it is Town-owned and federally funded and maintained. He noted that the DOT may want to look at this location at I-95. He noted that they will work with the RIDOT design section just to get a reading on it and to get it in writing and confirmed as to what their requirements are. Mr. Chagnon gave an example of if they came in with lot 2 first, that once they come in with Preliminary, at that time they will need to tell the Board what the traffic volumes are and what the mitigation measures are that need to go in place to address those volumes. There was discussion on timing and implementation of the traffic mitigation measures. Miss Paquet asked if they could use the development phasing within the report to project when which traffic mitigation measures would be implemented. Mr. Shevlin noted that they don't know exactly how the lots will be developed. Mr. Chagnon noted that they could guess at a phasing scheme right now, but if someone wants to buy a lot that doesn't meet the phasing, they would build that building next and they would just be guessing at the traffic, whereas if they came in at each Preliminary, they would know what the traffic is that would be generated by the lot and what mitigation measures should be implemented at that time. There was further discussion on this topic.

Mr. Chagnon noted that they will be permitting through RIDEM on a lot by lot basis also for stormwater.

There was further discussion on the implementation of the traffic mitigation measures. Miss Paquet expressed concern that this is the only time the Board is going to see the full development again, and also expressed concern that one individual lot may be a trigger, but that previously developed lots contributed to the traffic, and how that burden of paying for the mitigation would be distributed. There was discussion.

Jeff O'Neill, from Condyne, LLC, developer present in the audience, stated that the trigger points, he assumes, would be established by RIDOT. There was further discussion on who pays when the trigger is met. Mr. Ward noted that they have to come up with a mechanism to ensure the responsibility and the cost is hashed out beforehand.

The Board began discussing the motion.

Mr. Regan discussed the drainage and having Mr. Zavalia to develop the appropriate standard, and condition of approval number 4 was changed to reflect that it needs to be determined by the Town Engineer so that the design satisfies the flooding concerns and impact to the abutters to the wetland.

There was more discussion on the traffic triggers and it was noted that there will be an association for the business park.

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Miss Paquet provided a new finding of fact 18 to address vesting and noted that the second motion can be eliminated.

**Motion to amend the Master Plan** for AP 3, Lots 1-1, 1-7, 1-8, and 1-9, originally approved for GTECH Corporation on October 4, 2006, as depicted on those plans now called, “West Greenwich Business Park” dated February 11, 2008, prepared for Condyne, LLC, prepared by PARE Corporation, consisting of four sheets numbered C-0 through C-3; and as described in the Master Plan Review Report for the West Greenwich Business Park, West Greenwich, Rhode Island, Prepared for Condyne, LLC of Quincy Massachusetts, prepared by PARE Corporation, as submitted on February 11, 2008, (the “Master Plan”), based upon the following findings of fact and conditions of approval:

**Findings of Fact:**

1. The development shown on the Master Plan is considered a Land Development Project, to be developed comprehensively in phases, and to be designed to function and be managed as self-contained site. The development shown on the Master Plan is consistent with the requirements of the West Greenwich Comprehensive Plan, including the future land use map, as amended May 10, 2006, specifically with regard to Land Use Element Section II B. 1. h. “Corporate Zoning District,” the purpose of which is to promote Planned Development for compatible corporate and industrial uses.
2. The Master Plan conforms to the standards and provisions of the West Greenwich Zoning Ordinance relative to the Corporate Zoning District.
3. The Master Plan and the development shown on the Master Plan do not require relief from the West Greenwich Zoning Ordinance or the West Greenwich Land Development and Subdivision Regulations.
4. There will be no significant negative environmental impacts from the development shown on the Master Plan.
5. The development shown on the Master Plan 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. The development shown on the Master Plan provides for adequate and permanent physical access to public streets, namely Hopkins Hill Road and Technology Way.
7. The development shown on the Master Plan will have privately owned and maintained internal streets, which will promote and enhance the concept of the planned district.
8. Access to the development shown on the Master Plan will derive from limited points along public roads.
9. The development shown on the Master Plan provides for safe circulation of vehicular traffic, for adequate surface water runoff, and for suitable building sites, subject to conditions which may be imposed at the time of Preliminary Plan approval for each lot in the development.
10. The design and location of streets, building sites, utilities, drainage improvements, and other improvements of the development shown on the Master Plan, subject to conditions which may be imposed at the time of Preliminary Plan approval for each lot in the development, shall minimize flooding and soil erosion.

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11. The development shown on the Master Plan provides for high-density, mixed-use development containing a majority of office and/or light manufacturing uses, with limited ancillary uses, and other amenities such as open space with walking paths.
12. The development shown on the Master Plan will meet the requirement that ten percent (10%) of the parking area be landscaped.
13. The development shown on the Master Plan does not exceed the maximum percent impervious surface per lot, nor for the overall development, as demonstrated by the Program Table on sheet 6 of 9.
14. The development shown on the Master Plan does not exceed the twelve percent (12%) maximum gross square footage of proposed retail uses as a percentage of all uses within the Corporate Zoning District, as demonstrated by the Program Table on sheet 6 of 9.
15. The development shown on the Master Plan provides that all lots meet the two (2) acre minimum land area and the 100 feet of frontage as required in a Corporate Zoning District.
16. The Assistant Deputy State Fire Marshall for Lake Mishnock Fire Department has provided comments in a memo dated September 22, 2006, also from the Town Planner, noting that hydrant locations and proposed roadway width are sufficient, and that turning radiuses and access around buildings will be reviewed at the time of Preliminary Plan approval of each lot in the development.
17. There is a reasonable expectation that the development shown on the Master Plan may have a significant negative impact to Hopkins Hill Road and the surrounding roadway network, therefore, a condition of approval will require a traffic study and analysis prior to the first Preliminary Plan approval for any lot in the development in order to address this concern.
18. The Master Plan is hereby vested for one year effective the date of recording this decision.

#### Conditions of Approval:

1. That Master Plan approval is granted for the basic parameters of the development shown on the Master Plan. Approval includes access to the development, from both Hopkins Hill Road and Technology Way, and an internal private roadway network; the location and proximity of industrial and commercial uses; subdivision of the lots; and the general use of each lot as indicated by the building designations on the "Compliance with Corporate Zoning District" table in Appendix D of the Master Plan Review Report, attached hereto. Master Plan approval does not constitute approval of the specific building sites, building footprints, engineering or architectural details. These items shall be addressed during the Preliminary Plan approval of each lot in the development. It is understood that specific uses (i.e. office, light manufacturing, hotel or retail sales), building sites (including size and scale of buildings) and other project aspects (such as lighting, parking and signage) may change, in conformity with the West Greenwich Zoning Ordinance. Phasing of construction is not required, but development of each lot in the development shall comply with the infrastructure requirements found on Sheet 4 of 9 of the original Master Plan.

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2. That at the time of Preliminary Plan application for each lot in the development, the following submissions are required in addition to the submissions required in the Preliminary Plan checklist:
  - a. 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 Corporate Zoning 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.
  - b. Landscaping plans (prepared by a Registered Landscape Architect) and lighting plans which shall be subject to Planning Board approval.
  - c. Evidence on the Preliminary Plan that the applicable ADA requirements are satisfied.
  - d. If shared parking is proposed, evidence on the Preliminary Plan that parking needs can be met, and that the shared parking is reasonable (i.e. timing of operations, distance to walk from parking lot to building, etc.).
  - e. Evidence that emergency vehicle access will be maintained throughout construction. Such means of access shall be approved by the Fire Department and may include the construction of temporary cul-de-sacs.
3. That the applicable developer shall secure written acceptance of the plan for the provision of utilities to each lot in the development by the respective responsible agencies before submitting a Preliminary Plan for each lot. Preliminary Plan approval for each lot in the development is contingent upon evidence of an adequate water supply, sewerage disposal, drainage infrastructure, and traffic infrastructure.
4. That the appropriate standard for the drainage design shall be recommended by the Town's consulting engineer in order to minimize downgradient flooding, and there shall be a guarantee from the applicant that there will be no adverse impact to abutters to the wetland by the Planning Board's compromise to alleviate the zero net increase in volume requirement for this project.
5. That roadways and drainage infrastructure within the development shall be privately owned and maintained, that the Town of West Greenwich shall be granted an easement with respect to such roadways for public safety access, and that a restriction in favor of the Town of West Greenwich which provides that the owners of any lot in the development will not, for ninety nine (99) years, request town ownership of any such infrastructure be executed and recorded.
6. That an association of owners be created for the responsibility of ownership, maintenance, and taxation of the shared elements (i.e. easements, rights of way, drainage) of the development, that the association documents be submitted as part of the Master Plan approval record, and that as part of the Preliminary Plan application for each lot in the development, the applicable developer shall demonstrate that proper management of the development will be in place, and legal documents for such method of management shall, to the extent not submitted as part of the Master Plan approval record, be submitted as part of Preliminary Plan application for each lot in the development.
7. That a traffic signal, and any other required off-site traffic mitigation improvements, shall be designed, provided, and installed by the developer, as recommended in the Traffic Study dated July 2006 prepared by Northeast Engineers & Consultants, Inc., upon approval from

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- the State of Rhode Island Department of Transportation, or as otherwise required by the Town of West Greenwich.
8. That a comprehensive pre-application for a Physical Alteration Permit (a "PAP") be filed with Rhode Island Department of Transportation (RIDOT) for the entire development as shown on the Master Plan prior to any Preliminary Plan approval for any lot in the development. In addition, prior to satisfying this requirement the developer shall be allowed to submit for Preliminary Plan review, up to no more than two of the proposed parcels, and these submissions may only be for portions of the development that will utilize Technology Way as their main access. Preliminary Plan approval for these two lots shall be conditioned upon the results of the PAP review. The PAP submission to RIDOT shall include clearly identified conceptual trigger levels for the traffic light and other mitigation strategies, which may be required as part of the overall development of the parcels. This submission shall include supporting data for, and satisfactorily address concerns as brought forth by the Town's consulting engineer to date. It shall also include a discussion and understanding of what other things are going on in the area. Prior to submission of the application for PAP to RIDOT, the developer shall submit the application to the Town of West Greenwich for administrative review.
  9. That the Master Plan traffic study with recommendations, and the PAP application shall be updated by the applicable developer and presented to the Planning Board at the time of Preliminary Plan application for each lot in the development. There shall be a final traffic impact assessment by the association of owners, which shall be presented to the Planning Board and the RIDOT, one year after final build-out of the development, and which shall include, but not be limited to, Hopkins Hill Road, Technology Way, Mishnock Road, the new entrances on Hopkins Hill Road, and from the I-95 ramps for Exit 6-A to the Coventry Town Line, or as otherwise required by RIDOT. Any necessary traffic improvements required on account of the development shall be made by the association of owners, and all costs for the Town of West Greenwich to hire a consultant to review such analysis shall be born by the association of owners.
  10. That Assessor's Plat 3, Lot 10, (depicted as Lot 10 on the Master Plan) (proposed for dedication to the Town of West Greenwich) will have access to the internal roadways upon construction of the roadways.
  11. That maintenance of full access to the proposed main boulevard through the development from Hopkins Hill Road to Technology Way be provided in perpetuity starting at the time of full build out of the development and that any change in the main boulevard plan or the access points to the main boulevard, as shown on the Master Plan, or any other limitations on access to the main boulevard, shall require an amendment to the Master Plan.

Ward-Regan (5-0)

#### **Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.**

Motion to continue to next month. Ward-Regan (5-0).

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 10:26 p.m.

**WEST GREENWICH**  
**April 21, 2008**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on April 21, 2008. Present were: Chairman Mark Boyer, David Berry (7:03 p.m.), Brad Ward, Tim Regan, Tom O'Loughlin (7:03 p.m.), and alternate William Lepak. Absent was alternate Bill Bryan. Town Planner Jennifer Paquet was present. The Solicitor was not present. Consulting Engineer Michael Zavalia was present. Chairman Boyer called the meeting to order at 7:00 p.m.

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**ACCEPTANCE OF MINUTES (CA)**

March 17, 2008 Regular Meeting

Motion to approve the Consent Agenda items. Ward- Regan (3-0) with Boyer abstaining.

Mr. Berry and Mr. O'Loughlin arrived at 7:03 p.m.

**Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.**

Consulting Engineer Michael Zavalia was present.

Chairman Boyer noted he has proposed language for the topography standards that reference the State coordinate system and ASPRS standards. It was decided to include this in the regulations, and to prohibit using USGS Topo Quadrangle sheets for topography.

The Board went over Miss Paquet's memo for April 21, 2008. Item 1 was postponed until next meeting.

There was discussion on prohibiting one big drainage pond. Mr. Zavalia noted we could 'strongly encourage the use of multiple smaller ponds, as site conditions permit, to distribute the drainage more closely to the natural drainage pattern, rather than one large basin.' It was decided to add this to the Stormwater section as a subsection paragraph on page 7 under ii aa.

There was discussion on a strict limit of disturbance. It was noted that this is included in the regulations already and that it is meant to prevent a developer from clear-cutting a site. It was noted that this is not meant for the individual homeowners.

There was discussion on disturbance of steep slopes. Miss Paquet noted that the concern has to do with erosion and even if engineered, they need to be constructed properly and stabilized, which is where the problem would be.

There was discussion on the proposed changes to the Stormwater section presented this evening in response to the comments from Miss Paquet. It was decided to change the responsibility for inspection from the "Town" to "the Planning Board and/or its agent."

There was discussion on drainage maintenance agreements. It was noted that there needs to be a method for the Town to recoup the costs and a mechanism by which the Town goes after people in the agreement.

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**April 21, 2008**  
**PLANNING BOARD MEETING**

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Mr. Zavalia will add a sentence to the section to tie the required report to the checklist. It was noted that soil erosion control plans do not need to be made by an engineer, but the stormwater plans do.

There was discussion on requiring stormwater zero net runoff volume in addition to peak flow rate. It was noted that this is encouraged as site conditions permit. Mr. Zavalia explained that zero net volume is not needed as long as water quality is treated and you are deferring the introduction of the flow into downstream watershed, but that some sites don't lend themselves to this. Mr. Ward noted he would like there to be certification that there will be no downstream negative impact. Mr. Zavalia explained that it is implied in the existence of the regulations and explained that the design has to mitigate and negative impact.

Miss Paquet went over additional comments for the Stormwater section. The Board continued to go over her memo. The Board decided on the following:

- Item 4. yes, require site plans for all lots, to be for the Building Inspector to evaluate
- Item 5, yes, refer to the RIDOT standards and include these driveway standards in the regulations.
- Item 6. Don't bother with regulating vernal pools because RIDEM has no setback requirement.
- Item 7. the landscaping sections have already been incorporated into the regulations
- Item 8. ok, Architecture standards proposed are enough
- Item 9. Regarding monuments, it was decided to only allow actual granite 4" x 4" x 30"
- Item 10. yes, add this. There was discussion on the waiver checklist presented tonight.
- Item 11, yes, add
- Item 12, yes add, also, make this section be 2 sections, one for Professionals, and the other for Topography mapping standards

Miss Paquet noted that she has more proposed changes to go over. The Board requested that these proposed changes be presented in a memo for next month's meeting.

There was discussion on cul-de-sac length. It was noted that West Greenwich has a very lenient requirement.

Motion to continue the public hearing on the subdivision and land development regulations to the May 19, 2008 meeting. Ward-Regan (5-0).

No other items were discussed. Motion to adjourn. Ward-Regan (5-0). The meeting ended at 8:15 p.m.

**WEST GREENWICH**  
**May 19, 2008**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on May 19, 2008. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, Tom O'Loughlin, and alternate William Lepak (7:05 p.m.). Absent was alternate Bill Bryan. Town Planner Jennifer Paquet (7:11 p.m.) was present. Town Solicitor Michael Ursillo, Esq. was present. Chairman Boyer called the meeting to order at 7:03 p.m.

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**ACCEPTANCE OF MINUTES (CA)**

April 21, 2008 Regular Meeting

Motion to approve the April 21, 2008 minutes. Ward-Berry (5-0)

**Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.**

Motion to close the Public Hearing. Ward-Berry (5-0).

**Motion to** approve and adopt the proposed amendments to the West Greenwich Land Development and Subdivision Regulations adopted by the Planning Board December 19, 1995.

This approval is based on the following findings of fact:

1. That the proposed amendments to the Land Development and Subdivision Regulations are consistent with the Town of West Greenwich Comprehensive Plan, and that there are no Goals or Policies in the Comprehensive Plan which contradict the proposed amendments.
2. That it is necessary to require that the regulations and standards for all land development projects and subdivisions be sufficiently definite to provide clear direction for development and construction and to satisfy the requirements for due process for all applicants for development approval.
3. That the land development and subdivision enabling authority contained in RIGL 45-23-30 provides the community with the ability to adequately address the present and future needs of the community;
4. That the authority contained in Article X of the West Greenwich Land Development & Subdivision Regulations, adopted December 19, 1995, authorizes the adopting and amending of the existing land development and subdivision regulations;
5. That at a properly advertised Public Hearing, opened on November 19, 2007, at 7:00 p.m. at West Greenwich Town Hall, public comment was solicited and discussion permitted regarding the amendments and adoption of the existing West Greenwich Land Development & Subdivision Regulations, and,
6. That said advertisement of the Public Hearing, having been published on November 1, 7, & 13, 2007 in the West Bay Edition of the Providence Journal, a local daily newspaper, notified the general public that the proposals shown could be altered or amended at the Public Hearing. Notice of the Public Hearing, and a copy of the proposed changes were also posted on the Town's website.

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**May 19, 2008**  
**PLANNING BOARD MEETING**

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The Planning Board further finds that the proposed amendments and adoptions to the Land Development & Subdivision Regulations satisfies many of the purposes of zoning as recognized in RI Gen. Laws 45-24-30, as amended. Specific recognition and consideration were given to the following purposes of zoning (numbered for reference only, not by priority):

1. Promoting the public health, safety, and general welfare.
2. Promoting a high level of quality in design in the development of private and public facilities.

The Planning Board finds the proposed amendment and adoption to the Land Development & Subdivision Regulations, adopted December 19, 1995, to be consistent with, and in the furtherance of, all other land use regulations in the Town, and recommends passage. Ward-Berry (5-0).

**Advisory Recommendation to the Town Council: Zoning Ordinance**

There was discussion on the proposed changes to the Zoning Ordinance, and debate on maximum impervious surface percentage. It was noted that this is a recommendation, and that the Town Council can change it.

**Motion** to recommend to the Town Council the following amendments to the West Greenwich Zoning Ordinance:

1. Rename "Site Plan Review" of Article IX to "Development Plan Review" to make it consistent with the RI Zoning Enabling Act of 1991. Cross-reference Article IX to the review procedure, fee structure, requirements, and standards necessary for proper review as established in the West Greenwich Land Development and Subdivision Regulations, which is provided for by RI Land Development and Subdivision Review Enabling Act of 1992. Add that the requirement of the Design and Public Improvement section of the Land Development and Subdivision Regulations is herein incorporated.
2. Under Article IX, section 1B. "Landscape," add that a minimum of 15% of all sites shall be landscaped, and refer to the Land Development and Subdivision Regulations for specific requirements. (The Corporate Zoning District requires 25%; the Exit 7 SMD requires 10%)
3. Under Article IX, section 1F. "Driveway Connection to Public Streets," add 5. Each lot shall be limited to one driveway per street frontage, and any lots created from the original lot shall be served by the single common driveway or curb opening. A second curb cut may be approved by the Planning Board as part of the plan approval, if the Board finds that the additional curb cut is necessary and would improve traffic flow on the main road, or is otherwise required by the Fire Chief for that district for emergency access. Also, add 6. It is encouraged, and the Planning Board may require, that internal driveway and/or pedestrian connections are made between abutting commercial sites. Also, add 7. To the extent feasible, access to business shall be provided via one of the following:
  - i. Access via a common driveway serving adjacent lots or premises;
  - ii. Access via an existing side street where deemed appropriate;
  - iii. Access via a cul-de-sac or loop road shared by adjacent premises

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4. Under Article IX, section 1I. "On-site Parking and Circulation," add that buffers and perimeter landscaping requirements are noted in the Design and Public Improvement section of the Land Development and Subdivision Regulations.
5. Add a Maximum Impervious Surface to the Dimensional Regulations of both Neighborhood Business and Highway Business. The Planning Board recommends a maximum impervious surface of 65% (Industrial A and B is 45%; the Corporate Zoning District is 55%; Exit 7 SMD is 90%, however, in practice, for example, Grandville at Greenwich is 60% impervious.)

This motion is based on the following findings of fact:

1. That the proposed changes are consistent with the Comprehensive Plan, specifically:
  - a. Natural and Cultural Resources Goal #2 and Policy 4
  - b. Circulation Goal #1, Goal # 2, and Goal # 3
  - c. Economic Development Implementation, "Increase zoning ordinance performance standards for Highway Business district via Site Plan Review and Development Impact Statements."
  - d. Land Use Goal # 1
  - e. Land Use Policy #4, "Consider amending zoning ordinance to strengthen natural resource and town character protection strategies considering some combination of the following: flexible / cluster zoning, overlay districts, setback requirements, buffer zones, interior building lot, Development Impact Statement, and special use regulations." The proposed changes incorporate setbacks and buffer requirements for parking lots and paved area.
  - f. Land Use Policy 7, Implementation #2, "Institute performance standards in the Town's Zoning Code and Subdivision Regulations that account for environmental constraints and specify appropriate criteria for types of development to meet."
  - g. Land Use Policy 23, "Promote land use patterns that reinforce overall Town identity and provide generous amounts of open space between built up areas and discourage sprawl development.
  - h. Land Use Goal # 5, "to prevent commercial strip development from evolving adjacent to arterial or secondary roads."
2. That the proposed changes are reflective of the following purposes of zoning:
  - a. Promoting the public health, safety, and general welfare
  - b. Providing for orderly growth and development
  - c. Providing for the protection of the natural, historic, cultural, and scenic character of the Town
  - d. Promoting a high level of quality in design in the development of private and public facilities
  - e. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

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**PLANNING BOARD MEETING**

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**Major Residential Land Development Project: Master Plan Public Informational Meeting**  
“Cedar Ridge” – AP 1, Lot 10-3 (after Administrative Subdivision)  
--On New London Turnpike; 130 new condominium residential units proposed  
Applicant: Commerce Park Associates 12, LLC

Mark Boyer recused himself. Vice Chairman Berry took the table. Attorney John A. Pagliarini, Jr. approached the Board. It was noted that no waivers are being requested. Mr. Pagliarini explained the proposed project, and noted that the zoning requirements are met. He noted that they have begun discussions with Mr. Hammersmith to give him paved access to his semi-landlocked parcel.

Mr. Pagliarini asked for the ability to be flexible with the types of structures in terms of being able to change from single units to duplexes or triplexes depending on the market. He noted that they have already started construction on the stone wall entrance and the curbing and noted that the location they put it in is the best per traffic site distance. He noted that Mr. Bannon will be here later tonight.

Mr. Pagliarini noted that they want to cut out the road system so that they can see if they need to change anything. He noted that they would like to get going because this project is going to happen. He noted that it is not the intention to cut and fill or denude any of the units' locations. He asked for the Board's blessing to get in there and start doing this, and introduced Mr. Morin from DiPrete Engineering.

Kevin Morin, PE from DiPrete Engineering, noted that they incorporated the provisions of the zoning district changes into the plan, including the 75 foot buffer from Division Street and the density of 130 units. He noted that they exceed the required parking space requirement, noting that the Zoning Ordinance required 195 spaces and that they provide around 400, and pointed out the visitor parking areas. He noted that they have started the process with West Warwick Sewer and that they are waiting for a response from West Warwick Sewer Authority and Kent County Water Authority as well.

Mr. Morin noted that he has received the comments from the Town Planner and Mr. Zavalia (Town's consulting engineer). Mr. Morin noted where the emergency access will be at the Division Street utility access.

Mr. Morin confirmed that they meet the 15 feet setback between the buildings, overhang to overhang and not foundation to foundation. He noted that the Preliminary Plans will have a 1" to 40' scale to show that the zoning dimensions can be met.

There was discussion on the width of the road and if there will be curbing, and concerns of parking on the road. It was noted that it will be a private road and that they will contact the Fire Chief to find out what the minimum road width needed is.

Vice Chairman asked if there will be any sidewalks. Mr. Ward noted that there should be some sort of provision for pedestrian traffic so that they are not in the road. There was further discussion on road width. Mr. Lepak would like to see it reduced to 22 feet. Mr. Pagliarini

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noted that the land in the Division Street right-of-way that was proposed to be purchased from the State is no longer being pursued because the thought was that it is better to keep it in the control of the State.

Mr. Pagliarini noted that Kent County Water Authority will mandate that wells be used for lawn irrigation. There was discussion and it was noted that it is unknown at this point how many wells would be needed, or how much of a demand or draw would be needed. Mr. Ward noted that this is a concern of the existing residents.

Mr. Lepak asked if there is any active recreation, such as tennis courts proposed. Mr. Pagliarini noted that there is no recreation proposed and that the Town Council asked for the fee in-lieu-of open space and recreation be paid for each unit. Mr. Lepak asked about the club house. Mr. Pagliarini noted that the club house is no longer on the plan.

Vice Chairman Berry asked if the Board had any questions. He went over the comments from the consulting engineer. He noted that a traffic analysis has been requested. Mr. Pagliarini noted that it will be ready in a week and that an application has been made for a red light at I-95 and New London Turnpike. There was discussion on roof runoff and it was noted that it would be infiltrated in drywells and become an association maintenance requirement. It was noted that a PAP will be needed for the emergency access on Division Street. There was discussion on pedestrian traffic to the commercial areas. Mr. Pagliarini noted that they will provide pedestrian access to the adjacent to-be-developed commercial area, but that no pedestrian activity is expected to go to the Centre of New England.

It was noted that there will be underground utilities within the development.

Vice Chairman Berry went over Miss Paquet's memos.

There was discussion on dumpster locations and mail box kiosk. Mr. Pagliarini noted that there would be a revised plan submitted next week.

Mr. Paul Bannon, PE President of RAB Engineers, approached the Board. Mr. Bannon noted that the State Traffic Commission is presently working on the design of a traffic signal at the southbound off-ramp to New London Turnpike, which will be coordinated into the two traffic signals at Arnold Road and the main entrance to Centre of New England. He explained some of the details of this.

Mr. Bannon noted that the location of the site entrance is the best location given the crest and the undulating profile of the road. He noted that they also went over 5 years of accident data for the intersection of Division and New London, and noted that there are site distance issues to the west and that he will be looking at this for the Arlington RV application. He noted that site distance can be improved by cutting back the bank. Mr. Ward noted that the Arlington RV project might not happen and since this project is going forward, at a minimum there would be increased traffic going to this intersection as a result of this development, and that he would be looking for some land clearing the at the intersection to give a better site distance within the right-of-way. Mr.

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Bannon noted that this is a matter of minor regrading and it is not a major expense. Mr. Pagliarini noted that is something they can easily do and it is not an issue.

There was discussion on the traffic signal application and the traffic signals to be installed in Centre of New England. There was discussion on the impact the wetlands crossing for Centre of New England Boulevard will have on the traffic flow in this area.

Chairman Berry opened the meeting to comments from the audience.

Linda Eastman, 20 Division Road, noted that the problem with the ramp at 95 is the crest of the bridge along with cars going 55. She asked if the ramp will still have the two lanes. It was noted that the ramp will still have the two lanes. She noted that there should also be a speed limit posted in this area.

Bill Williams, 75 Division Road (on the intersection point), noted that there was a fatality in his yard, and noted that it is the people that aren't familiar with the area that have difficulty with the intersection. He noted that the two or three accidents that occurred were really bad.

There was further discussion on the intersection of Division and New London Turnpike.

Vivean Peasley, 64 Division Street, noted that when she comes home from work in the morning, at about 7:30 to 8 a.m., it is hard to get off the highway and noted that she actually gets off at Exit 8 and comes up the other way because nobody will let her out, as they are all going to work. She noted that she goes 95 south and noted that it depends on the time of day. She noted that the problem is the other way also, such as when she is coming from Westerly and wants to go to BJ's, she has to get off at 6A and go the other way because she can't go left off the exit. Mr. Bannon noted that he thinks the DOT's approach will be to address the immediate problem first, then see how this signal will affect the other ramp, and noted that there will be on-going monitoring over the next two years.

Paul Kaltschnee, noted that the entrance to Cedar Ridge looks narrow and asked what the rational was to make it a curved road versus a straight road. Mr. Pagliarini noted that it is aesthetic. Mr. Bannon noted that it is also traffic calming.

Mr. Williams, asked about the Manual on Uniform Traffic Control Devices. Mr. Bannon responded. There was discussion on underground utilities.

Mr. Pagliarini asked if anybody had any comments that are going to change the Master Plan. Mr. Ward reiterated that pedestrian traffic needs to be addressed.

Suzanne Martin, 21 Carrs Pond Road, asked about the wells for irrigation. Vice Chairman Berry noted that they don't know yet if it is going to be an impact, and that the Board can always ask for a hydrology study.

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### **PLANNING BOARD MEETING**

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Sandy Bockes, Hazard Road, pointed out that xeriscaping is a good way to landscape, with things that don't require as much water as a grassed lawn. Mr. Pagliarini noted that his client is "going green" on the Coventry side.

Mr. Martin, Carrs Pond Road, asked about issues with sewer assessment fees. Mr. Pagliarini noted that this should not be an issue and explained the relationship of the fees and the Town of West Greenwich versus the West Warwick Sewer Authority.

Mary Kaltschnee, 81 Carrs Pond Road, asked where the intersection will be widened and who will do it. It was noted that the applicant will do it with permission from the State.

Mr. Pagliarini asked what the Board's feeling is on Mr. Cambio going in and roughing out the road. Mr. Ward noted he wouldn't have a problem with it and noted they can walk the site and get a better feel for it, as long it is just for the road and not the units, in order to get a better idea if it is going to be a 22 foot road or a 24 foot road. He noted that Mr. Cambio might need a RIPDES permit. Mr. Lepak asked Miss Paquet and Mr. Ursillo what they thought. Miss Paquet stated that she doesn't think the Board should be allowing any pre-development construction until the project has Preliminary Plan approval. Vice Chairman Berry noted that this has been the Board's stance throughout the years, and that the Board has not allowed this in the past. Mr. Ursillo pointed out that the applicant will be back before the Board next month with more detail and that maybe that will be a better time to bring this up.

Harris Hammersmith, Julie Court, noted that he needs to discuss a right-of-easement and a power of utility with Mr. Pagliarini either in open forum or privately because he is not sure if the access is correct. Vice Chairman Berry asked him discuss this privately with Mr. Pagliarini and that if there is an issue, to bring it up at the next meeting. Mr. Pagliarini noted that they are willing to clear a 24 foot wide passage to Mr. Hammersmith's property tomorrow.

Miss Paquet asked Mr. Pagliarini, for the record, if the abutters within 500 feet have been notified of this meeting. Mr. Pagliarini stated that they were, and then submitted an affidavit.

Motion to continue the meeting to next month's meeting. Ward-Regan (5-0).

The Board had a 5-minute recess. Chairman Boyer left the meeting.

Vice Chairman Berry returned to run the meeting. Remaining members present: Berry, Ward, Regan, O'Loughlin, Lepak.

**WEST GREENWICH**  
**May 19, 2008**  
**PLANNING BOARD MEETING**

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**RIDEM Notice – Application to Alter Freshwater Wetlands at AP 29, Lot 1-1**

Notice of 45-day Comment Period sent to West Greenwich Planning Board  
-for one single-family, 5 bedroom house

Miss Paquet explained that RIDEM sent notice to the Board that the 45-day comment period is open if the Board wishes to comment. The Board held discussion. Solicitor Ursillo noted that there have to be good reasons and rationale for an objection. Sandy Bockes, present in the audience from the Conservation Commission, explained the concerns and the impacts to the Board. She noted that there is a dam in poor condition, but is not considered to be a hazard. She noted that the driveway is proposed to be 1,200 feet long and paved, would cross the dam. She noted that to put a house in the middle of a swamp, they will be inundated with mosquitoes and would want to use pesticides. She noted that there is a very healthy breeding population of frogs, turtles, and salamanders that are using that water, and expressed concern about using chemicals which could kill or be problematic for them. She noted that wildlife is attracted to lights and explained that one time she was in the parking lot at the Benny's down across from Tiogue Lake and there were dozens of turtles that had been crushed in the parking lot. She also noted that there are DEM violations against this property.

Mr. Ward noted it seems this is more of a Conservation Commission issue than a Planning Board issue. He noted that the Conservation Commission would have more expertise on the matter. Mr. Lepak asked if this is in a flood zone. Mr. Regan noted that if there are problems that DEM would probably know about it. He noted that this is a huge pond and it is right at Plain Meeting House Road. Mrs. Bockes noted that there are beavers there and that if they decide to use culverts that the beavers could block up the culverts and they could change it enough that with a good heavy storm, they could possibly flood Plain Meeting House Road. Vice Chairman Berry expressed concern that this alteration could have a big impact on the wetlands. Mrs. Bockes noted that amphibians are dying out all around the world because they are very sensitive to pollution to the water.

Vice Chairman Berry asked how they would respond to this because the Board are not experts so to speak, on this. Solicitor Ursillo reminded the Board that this came directly from RIDEM, and that they do not need to comment, but it is within their discretion. Vice Chairman Berry noted he would endorse the Conservation Commission's comments. There was discussion. Mr. Regan asked if bridges were proposed. Mrs. Bockes explained that they did consider bridges at one point but rejected them because of the cost. Vice Chairman Berry noted it has nothing to do with cost, and if they need to do a bridge, they need to do a bridge. Mr. Lepak noted that this whole area may be classified as severe constraints to development on the Composite Constraints map in the Comprehensive Plan, and noted that this may offer some degree of validity to help substantiate a recommendation of denial.

Motion to table to later in the meeting after the Hopkins Hill Industrial Park item, while the Town Planner consults the Comprehensive Plan. Ward- Regan (5-0).

**WEST GREENWICH**  
**May 19, 2008**  
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**Amendment to Major Industrial Land Development Project: Preliminary Plan**

“Hopkins Hill Industrial Park” – AP 3 Lot 16

--off Hopkins Hill Road; proposed change to grade and height of berm/buffer to residential district

Kevin Morin, PE from DiPrete Engineering, and Jeff Butler, developer, approached the Board. Mr. Morin explained the plan. He noted that in the field, the construction is within 4 feet of the finished berm. He explained that they would bring more fill down to the area of the detention pond to provide better shielding in that direction. Mr. Ward asked if there is landscaping proposed for the top of the berm as well. Mr. Morin pointed out the landscaping is at the toe of the slope.

The Board noted that they are ok with what is proposed, but want input from the consulting engineer. Miss Paquet asked if there is any reason why there couldn't be some additional landscaping up on the berm. Mr. Ward noted that this could act as a buffer for the building and noted that the building will be taller than the berm. He noted that putting some trees at the top would add a visual buffer.

Miss Paquet noted that she contacted the abutters that would be directly affected and asked if anyone in the audience was present for this matter. No one was present. She noted that no one contacted her prior to the meeting.

Motion to approve the change administratively upon approval from the consulting engineer. Ward-O'Loughlin. (5-0).

**Continued from above:**

**RIDEM Notice – Application to Alter Freshwater Wetlands at AP 29, Lot 1-1**

Notice of 45-day Comment Period sent to West Greenwich Planning Board

-for one single-family, 5 bedroom house

Mr. Lepak noted that this area falls within the severe constraints to development on the Composite Constraints map in the Comprehensive Plan. The Board would like to note this in their recommendation.

Motion to support the Conservation Commission comments due to the fact that the property falls within or in close proximity to the severe constraints noted on the Composite Constraints map in the West Greenwich Comprehensive Plan. Regan-Ward (5-0).

The following items were continued to next month's meeting:

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

Motion to continue the above items to the June meeting. Ward-Regan (5-0).

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 9:25 p.m.

## **WEST GREENWICH**

**June 16, 2008**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on June 16, 2008. Present were: Vice Chairman David Berry, Brad Ward, and Tim Regan. Absent were Chairman Mark Boyer, Tom O'Loughlin, and alternates William Lepak and Bill Bryan. Town Planner Jennifer Paquet was present. Town Solicitor Michael Ursillo, Esq. was present. Consulting Engineer Michael Zavalia, PE was also present.

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

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#### **Acceptance of Minutes (CA)**

May 19, 2008 Regular Meeting

#### **Minor Residential Subdivision: Preliminary Plan (CA)**

Romeo Minor Subdivision – AP 18, Lot 1-3

-- on John Potter Road; one new frontage lot proposed (plus one existing house lot)

Applicant/ Owner: Thomas and Sharon Romeo

**Motion** to remove the Minor Subdivision from the Consent Agenda and to approve the minutes of the May 19, 2008 regular meeting. **Ward-Regan (3-0)**

The Board held discussion on the Minor Subdivision. Mr. Kirk Andrews, PLS approached the Board. Vice Chairman Berry asked if the frontage requirement is met for the lots. The Board noted that the type is small on the plan and hard to read. It was noted that these are reduced sized plans, and that the frontage is met.

**Motion** to approve the proposed Minor subdivision entitled, "Romeo Minor Subdivision," for AP 25, Lot 1-3, dated 07-19-07, revised through 05/30/08, prepared for Thomas & Sharon Romeo, prepared by K. Andrews Associates, with the following conditions:

1. Pay the Open Space and Recreation Fee for the new house lot (currently at \$4,500.00 per lot).
2. Pay the Fire Suppression fee for the new house lot (\$1,500.00), or address comments as otherwise required by Fire Chief.
3. That the preliminary approval shall expire 90 days from date of approval, unless the final plan is submitted within that time; and that extensions of approval may be granted by the Administrative Officer if no applicable amendments have been made to the Regulations within one year of Board approval. Any request for extension of approval for longer than one year shall be heard by the Board.
4. That the Planner review the Final Plan administratively
5. That proper erosion controls be used during house construction.
6. That a driveway curb cut bond be posted and that any drainage improvements needed due to the driveway be made, at the discretion of the Highway Department.

This approval, with conditions, is based on the 7 findings of fact. **Ward-Regan (3-0).**

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**Minor Residential Compound Subdivision: Preliminary Plan**

“Baton Woods” – AP 20, Lots 10-1, 10-4, and 13

--Off Victory Highway; 3 lots proposed for compound, one existing homestead; and associated Administrative Subdivisions

Applicant/Owner: Harold Baton

- Set Public Hearing date

Mr. Richard Bzdyra, PLS, was present. Mr. Bzdyra noted that he has received the comments from both Miss Paquet and Mr. Zavalia and that they are working on them, but have not finished addressing the comments yet.

**Motion** to set a public hearing date for the August 18, 2008 meeting. **Ward-Regan (3-0).**

**Major Residential Land Development Project: Master Plan Public Informational Meeting, cont.**

“Cedar Ridge” – AP 1, Lot 10-3 (after Administrative Subdivision)

--On New London Turnpike; 130 new condominium residential units proposed

Applicant: Commerce Park Associates 12, LLC

Attorney John Pagliarini was present.

Mr. Pagliarini noted that the comments from the last meeting have been addressed. There was discussion on phasing. It was noted that the infrastructure has to be constructed to the satisfaction of the Fire Chief and the consulting engineer and the traffic engineer prior to any building permits being issued, with the exception of a possible model unit.

Mr. Pagliarini asked for flexibility in the allocation of the units as shown on the Master Plan, to adjust to the market between one unit, two-unit, and three-unit structures. Miss Paquet noted that she would consider this to be a minor amendment to the Master Plan which could be approved administratively, and that she would be checking to ensure the zoning setbacks are met.

Mr. Ward asked Mr. Pagliarini if they are aware of the Building Official’s comments requiring that the setbacks be met even for the bulkheads, decks, and porches. Mr. Pagliarini noted that they are aware of this. Mr. Ward asked Mr. Pagliarini if they are aware of the Highway Superintendent’s comments that New London Turnpike is a State Road and that there is a problem turning out onto New London Turnpike. Mr. Ward noted that it was previously discussed about the site distance clearing. Mr. Pagliarini noted that Mr. Zavalia would be reviewing this in the traffic study.

Mr. Ward asked Mr. Zavalia if the traffic study is accurate and if the mitigation proposed will alleviate the current conditions. Mr. Zavalia noted that the methodology and the scope of the traffic report were more than adequate for this project and noted that that the improvements

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planned for the area associated, but not directly related to this project, such as the traffic signal planned for New London Turnpike for the southbound off-ramp and the secondary entrance to Centre of New England, will have a marked affect on the traffic patterns in the area overall. He noted that the proposed development itself will not have a significant positive or negative impact on the traffic pattern of the area. Mr. Zavalia explained that this development will not generate significant traffic volumes during the peak hours, and noted that the type of traffic that is expected do not coincide with the peaks otherwise experienced. Mr. Ward asked if Mr. Zavalia would review the phasing aspects to ensure that the mitigation actions that are taken are consequential to the number of building permits that are issued, such as the timing of the traffic signal. Mr. Zavalia noted that the applicant has no control over the traffic signal that is planned, and noted that the mitigation itself for the area is not going to come directly from this project except for the minor site distance clearing at Division Street.

Vice Chairman Berry asked what the timeline is on the traffic signal and the wetland crossing for the secondary access to Centre of New England. Mr. Paul Bannon, PE for traffic for the applicant, noted that the signal is at 30 percent design stage, and that it could take 12 to 18 months at the earliest. Mr. Bannon noted that the Centre of New England Boulevard has been under review within the last 12 months at RIDEM, and that it has undergone some modifications such as reducing it from a 6-lane to a 4-lane roadway with a narrower median to lessen the impact. He noted that it is a lengthy process.

Mr. Pagliarini asked if the Board would have any objection if they began clearing the site distance at Division Street prior to the Preliminary Plan. Mr. Ward noted that as long as it is in the public right-of-way and that they have all the approvals necessary to conduct the improvements that they could begin it. It was noted that they would need approval from the State to do this. Mr. Bannon noted they might seek a letter of recommendation from the Town to do the work as part of the request to the State. The Planning Board endorsed the site distance work to occur now, and directed the Town Planner to send a letter to this effect.

The Board took comments from the audience.

Paul Kaltschnee, asked when the public water and sewer fall into the phasing process. It was noted that the utilities have to go in with the road and that the Fire Chief will require live hydrants prior to any building permit. Mr. Kaltschnee asked why cisterns are mentioned in note 2 on the plan pertaining to fire suppression. It was noted that this language will be removed from the plan. Mr. Kaltschnee asked about the property lines for the existing lots 13 and 15 and if they will stay the same. It was noted that these lots will each be reduced to 20,000 square feet, and that the back land will go to the commercial portion.

Suzanne Martin, Carrs Pond Road, asked about the landscaping note that mentions highway buffering, pedestrian parks, town green, bicycle and footpaths, etc. and asked if any of this is part of this project and if it is a requirement. Mr. Pagliarini noted that there will be a walking path along the Green Line road. Mr. Ward asked if there will be any bicycle paths or footpaths within the buffer area. Mr. Pagliarini noted that there would not.

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Vice Chairman Berry asked what the initial plans are for landscaping around the detention ponds. Mr. Pagliarini noted that they are still working on this. Vice Chairman Berry asked if all three detention ponds will be needed. Nicole Reilly, PE from DiPrete Engineering, answered that they have not done the full drainage calculations yet, but that they believe the ponds will all be needed. She noted that they would probably be landscaped and not fenced in.

**Motion** to approve the Master Plan for the proposed Cedar Ridge multifamily Senior Residential Development, located at AP 1, Lot 10-3, prepared for Commerce Park Associates 12, LLC, prepared by DiPrete Engineering, Inc., revised through June 4, 2008, with the following conditions:

1. That phasing of the development be approved by the Fire Chief and the Town's consulting engineer in consultation with the applicant's traffic engineer, based on the level of completion of the infrastructure and the planned traffic mitigation measures, prior to the issuance of any building permits, with the exception of a model home.
2. That flexibility is permitted between the number of types of structures as proposed on the plan, as long as all the zoning requirements are met.
3. Strike language in note 2 from the plan regarding a cistern for fire suppression.
4. the applicant may commence with site distance clearing at New London Turnpike and Division Street with the proper State permits, and that the Planning Board endorses this action.

This motion is based on the 9 findings of fact in the draft motion. **Ward-Regan (3-0)**

**Major Residential Subdivision: Preliminary Plan**

"Regina Estates" – AP 23, Lots 50, 45-5, & 109

--On Regina Drive Road; 5 new frontage lots proposed (plus one existing house lot)

Applicant: MPDR Construction Co., Inc. (Ronald A. Maggiacomo)

- Set Public Hearing date

Mr. Robert Boyer, PLS, was present for the applicant. Mr. Boyer gave an overview of the project, then went over the items noted in the memo from the Town Planner. There was discussion retesting of the wells. Mr. Boyer noted that they will do the retesting as noted in condition of Master Plan approval number 2. He noted that they will do what is needed and will give a full report and follow the town regulations. Vice Chairman Berry noted that based on the history of the area, that it is probably not a bad idea to do the retesting. Mr. Regan asked if that one well had been hydrofractured. Mr. Boyer did not know, but noted that they can retest it. Vice Chairman clarified that there would be an additional well test on lots 2 through 6. Mr. Regan noted that it has to follow the Town well regulations. Vice Chairman Berry noted it is for the yield test and also for the contamination. Mr. Regan noted that it looks like Lot 1 has contaminated most of the lots with volatile organic compounds. He noted that even though it meets the standards, that the wells have still been impacted and it would have to be disclosed to the buyers. Miss Paquet noted that she posed the question about the contamination to the Town Solicitor and that they have provided a response. Solicitor Ursillo read Mrs. Letendre's response to the Board. Mr. Regan suggested that the Board require retesting and forward the results to the

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Department of Health for an opinion. He noted that the contamination, though it meets the standards now, could increase over time, and that a treatment system might be needed to be put in the basements to take care of the contaminants. It was noted that there would be complete retesting for flow rate and water quality.

There was discussion on the Wetland Edge Verification update. The Board noted that they will accept the original verification, especially considering the septic systems have already been approved.

There was discussion on the cistern. It was noted that it needs to be remedied to the satisfaction of the Fire Chief. Mr. Boyer noted they will have a meeting with the Fire Chief at the site. Mr. Ronald Maggiacomo arrived at the meeting and sat in the audience.

The Board discussed which of these items are required for the hearing. It was decided that the cistern issue needs to be resolved in time for the hearing, but that the well testing can be required prior to the building permits.

As the Board was drafting the motion, there was discussion on the outstanding encumbrance issued by the RIDEM Office of Compliance and Inspection. It was noted that this also needs to be resolved for the hearing.

**Motion** to set a public hearing date for the Regina Estates Preliminary Plan for July 21, 2008 contingent on the written approval by the Fire Chief on resolving the issue on the cistern, to be submitted within one week, and that the applicant is fully aware that he needs to perform quantity and quality retesting on the wells prior to issuance of the building permits, but that this information should be submitted at the public hearing as it becomes available, and that these results shall be forwarded to the Department of Health for their review and recommendation. Also, that the encumbrance issued by the RIDEM Office of Compliance referenced in the letter dated April 25, 2008 from RIDEM, needs to be removed by the time of the public hearing, and that the applicant provide clarification as to what the encumbrance constituted.

**Ward-Regan (3-0).**

The following items were continued to next month:

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**  
- Affordable Housing Plan Implementation

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

Motion to continue the advisory recommendations to the Town Council for the Mixed Use Village Districts and the Residential Compound Ordinance to next month. Ward-Regan (3-0).

Motion to adjourn. Ward-Regan (3-0).  
The meeting ended at 8:14 p.m.

## **WEST GREENWICH**

**July 21, 2008**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on July 21, 2008. Present were: Chairman Mark Boyer, Vice Chairman David Berry (7:03 p.m.), Brad Ward, Tim Regan, and alternates William Lepak and Bill Bryan. Absent was Tom O'Loughlin. Town Planner Jennifer Paquet was present. Town Solicitor Michael Ursillo, Esq. was present. Chairman Boyer called the meeting to order at 7:02 p.m.

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#### **Acceptance of Minutes (CA)**

June 16, 2008 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (3-0) (Lepak and Boyer abstain, Berry not voting)

#### **Major Residential Subdivision: Preliminary Plan Public Hearing**

"Regina Estates" – AP 23, Lots 50, 45-5, & 109

--On Regina Drive Road; 5 new frontage lots proposed (plus one existing house lot)

Applicant: MPDR Construction Co., Inc. (Ronald A. Maggiacomo)

Chairman Mark Boyer recused himself. Vice Chairman Berry took over.

Mr. Robert Boyer, PLS with Boyer Associates, approached the Board. Mr. Ronald Maggiacomo was present in the audience.

Mr. Boyer noted there were concerns with the wells. He noted that D. Lorensen will have the well results in 4 to 5 days.

Mr. Boyer noted that there were concerns with driveway slopes, but that since they don't know what type of houses will be built that this should be looked at prior to a building permit, not now.

There was discussion on the cistern. Mr. Boyer noted that when it is done that they will do the easement for it and an as-built. Mr. Ward asked if the Fire Chief was happy with the location. Mr. Boyer noted he was. He explained that there was ledge in the area where it was so it was moved forward.

Mr. Boyer acknowledged the other items that need to be done in the memo.

There was discussion on the memo from Shawn Martin, PE with Fuss & O'Neill Inc. It was noted that these items could be reviewed administratively.

There was discussion on the well contamination. There was discussion on the land use restriction on proposed Lot 1. Mr. Lepak and Mr. Regan expressed concern that the potential buyers should be aware of the contamination on Lot 1 and of the wells. It was decided to show the restriction area on the record plan, so that the buyers of the other lots in this subdivision will be aware of it. Mr. Maggiacomo stated that he will have the wells re-tested prior to recording the subdivision, rather than before building permits. Mr. Regan noted that the wells are contaminated, but the levels are below the drinking water standards, but that it should still be disclosed. Solicitor Ursillo suggested that one of the conditions of approval should be that before conveyance of any lot that the test results are made known to the buyer. It was decided to modify condition of approval number 2 in the draft motion to include this.

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There was discussion on the well yields. Mr. Maggiacomo noted that they are retesting all the wells.

There was discussion on the \$35,000.00 fee. Mr. Bryan asked if there was enough money to cover damage to the road. Miss Paquet explained that the Highway Department requires curb-cut bonds. Mr. Bryan expressed concern it if the \$35,000 was enough to cover the final pavement given the price of asphalt. It was noted that this is the figure that the Town came up with based on reimbursement for the work that has already been done. Mr. Bryan asked if there is anything left to be done to bring the road up to standards. It was noted that the binder is on but that it is in good shape.

The Planning Board discussed whether to issue a decision tonight or to wait until next month to get some of the items completed. It was decided the items could be handled administratively.

Vice Chairman Berry opened the meeting to comments from the audience. No one wished to speak. Motion to close the public hearing. Ward-Regan. (5-0)

**Motion to** approve the Regina Estates Preliminary Plan for AP 23, Lots 50, 45-5, & 109-1, dated Nov. 29, 2007, revised through 5/15/08 prepared for MPDR Construction Co., Inc., prepared by Robert B. Boyer, PLS with the following conditions:

1. the applicant shall reimburse the Town for the cost of the Public Notice advertisements in the Providence Journal in the amount of \$777.20.
2. That the applicant have the well yields and water quality reports on each well re-tested, and that the information is required prior to the lots being recorded. The results of the water quality testing shall be forwarded to the RI Department of Health for review and recommendation. The well yield testing shall meet the local requirements. The results of the water quantity and water quality testing shall be provided to the buyers of the lots prior to conveyance.
3. that site plans are required for each individual lot to be reviewed and approved by the Town, in order to obtain a building permit. All cost of review and inspection shall be reimbursed in full prior to issuance of a Certificate of Occupancy. Site plans shall show the proposed location and grading for the driveways, the infiltration systems from the Preliminary Plan details, and soil erosion and sedimentation controls. Follow recommendations and requirements of Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc.
4. That the house lots be designed for zero net increase in runoff volume and that infiltration design be shown on each site plan for review by the Town as part of the Building Permit applications. Follow recommendations and requirements of Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc.
5. that the outstanding items noted in the Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc. shall be addressed administratively.
6. The Project Review account shall be replenished as needed for review of engineering and inspections.
7. Submit easement document for cistern, including metes and bounds description.

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8. Location of cistern shall also be shown on the record plan.
9. That the Fire Chief, or designated entity, be contacted by the applicant with adequate notice, to be present to witness the relocation and installation of the cistern, and that the written approval from the Fire Chief on the completed cistern shall be required for Final Plan approval.
10. The applicant shall pay the Town of West Greenwich \$35,000.00 for the expenses on the unfinished section of Regina Drive prior to recording final plan.
11. Receive RIDEM release before Final Plan approval.
12. The applicant shall pay the Open Space and recreation fee per lot, as assessed at Final Plan. (currently at \$4375) (5 new lots @ \$4375 = \$21,875 total.)
13. All the lots need adequate bearing capacity of the soil for the location of the house.
14. The Environmental Land Use Restriction area on proposed Lot 1 shall be shown on the record plan.

This motion is based on the 10 findings of fact in the draft motion. **Ward-Regan (5-0).**

#### **Major Land Development Project: Preliminary Plan Public Hearing and Advisory Opinion to Zoning Board on signage variance application**

“CarMax Auto Superstore.” – AP 1, Lot 4-5

--On Centre of New England Boulevard; commercial auto sales and accessory uses

Applicant: CarMax Auto Super Stores, Inc.

Chairman Boyer rejoined the Board.

Mr. Lepak expressed concern to the Chair of receiving a FedEx package in the mail for this item over the weekend, and noted that the Board worked it out that no written correspondence was supposed to be received except from the Town Planner, and wondered how this happened.

Attorney John Pagliarini, Jr. approached the Board. Mr. Pagliarini noted he provided the applicant with the Board’s addresses to send this. Chairman Boyer noted for the benefit of the applicant that anything that goes to the Board members gets channeled through the Town Planner. Mr. Pagliarini noted that it will not happen again.

Mr. Pagliarini explained the site location. He introduced the experts for this evening, John McNamara from CarMax, Paul Bannon, PE for traffic, Shawn Smith, PE for engineering, and Chuck Patterson for lighting and architecture.

Mr. Pagliarini submitted correspondence letter for the record dated 7/16/08 by Deputy Chief Greg Hitchcock from Lake Mishnock Fire Company. Mr. Pagliarini noted that he also submitted the Affidavit of Notice that the abutters within 500 feet have been notified.

Mr. Pagliarini noted that the use is permitted in the SMD by the changes by the Town Council last year. He noted that they seek no waivers or variances under the Exit 7 SMD ordinance.

Mr. John McNamara, real-estate representative for CarMax Auto Superstores, explained that the company was created by Circuit City in 1993. He noted that there is a no-haggle approach to sales, and all of the vehicles are inspected. Mr. McNamara went over the site plan and pointed

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out the different areas of operation, pointing out the sales area and the WIP (work in process) staging area. He noted that the WIP area is screened off from the public and where the 125 point inspection process is, and which is also where the auction process takes place. He noted that the WIP area is screened by a masoned wall to the front and a chain-link fence with black slats on the west and to the back. Mr. McNamara noted that there are 4 different buildings, a sales building, a presentation lane, a service area, and a power-wash area. He noted that the lots are both secure, one with embassy style gates. He pointed out the customer entrance and explained how one would travel through the site.

Mr. Pagliarini pointed out an underground fuel tank and showed the plan for the Fire Truck maneuvers. He noted that the carwash is for customers only. He noted that they will ensure that no light will spill off the site, especially towards the Grandeville apartments site.

Chairman Boyer asked where the well fields were going to be. Mr. Pagliarini noted they were probably going to be on this site, but that they are gone.

Mr. Ward asked about the gated emergency access. Mr. Shawn Smith, PE explained that there are 2 gated access points, one at the northwest corner of the site, and one at the utility road.

Mr. Smith explained that the runoff will be handled off-site, to basin 3. He noted that the developer's engineer has constructed off-site conveyance for this site. He noted that the primary site management will be catch basins and underground pipe. He noted that in the WIP area there will be oil-water separators. Mr. Ward asked about the maintenance of the oil-water separators. Mr. Smith explained that they are Vortechnic units and a truck comes to vacuum out the sediment.

Chairman Boyer asked the status with Kent County Water Authority. Mr. Smith noted that they have a conditional approval letter, for 1,000 gallons per day. He noted that the car wash is 95% reclaimed water.

Mr. Ward noted that the access road will be gravel and asked who will maintain it because potholes can become a problem. It was noted that this access has to remain free and clear and in good shape at all times, including in winter, which will be a condition of approval.

There was discussion on posting surety for the landscaping if the weather is not appropriate at the time of the Certificate of Occupancy.

Mr. Smith went over the proposed landscaping. He noted that the original submittal has been revised to add 43 trees on the western boundary to be spaced in-between the Grandeville apartment plantings, and that they have increased the density of the plantings on the east side to help screen for the Marriott. He noted that the slope stabilization will be provided by Universal Properties, and that it is starting to take hold of seed that was planted a month ago. There was discussion on the landscaping on the boulevard side.

Mr. McNamara answered questions from the Board about the types of vehicles being sold. He noted that they have no affiliation with any brand vehicle. He noted that they also sell cars by

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auction to dealers only in the WIP area, indoors either once a week or once every two weeks as needed.

Mr. Chuck Patterson, Architect, presented the lighting plans and perspectives showing during operation and one hour after hours. He noted that the lights are flat sheet box lens so the lens won't drop below the housing. He noted that they are also using a shield. Chairman Boyer asked what the hours of operation are. Mr. McNamara noted that the hours are 10 a.m. to 10 p.m., 7 days a week, and that there is no access to the site after hours. Mr. Patterson noted the landscaping on the Grandville site will reach 30 feet when mature, which is the height of the lights.

Mr. Bryan had questions about the architectural elevations. He noted the plans being presented are different than the plans in the package. It was noted that the building was reversed because of an access issue. Mr. McNamara noted that they moved the building and it allowed them to remove the overhead door facing the sales lot.

Mr. McNamara went over the proposed signs. Mr. Pagliarini noted that the application for variance on the signage went before the Zoning Board last week and that the Zoning Board granted a maximum zoning approval conditional on Planning Board approval, and that if the Planning Board reduces the size, the application would not have to go back to the Zoning Board.

The Board discussed the wall mounted signage and noted that it was ok. There was lengthy discussion on the ground monument sign. Miss Paquet noted that no other business on the West Greenwich side has a monument sign on the Boulevard. There was discussion on the height of the monument sign. The Board decided to require that the height be dropped to 10 feet tall, with the sign content remaining the same. Mr. McNamara went over the sign locations including signs H. though M. that are not shown on the plan.

Paul Bannon, PE with RAB Engineering, gave an update on the traffic signals. He noted that the design is complete for the Universal Boulevard and WalMart signals and that the steel has been ordered and a contractor hired. He noted that they should be up and operational prior to the Christmas shopping season.

Mr. Bannon went over the access points and the median breaks. Mr. Ward asked if there would be any adverse impact to New London Turnpike due to this business. Mr. Bannon noted that for the size of this site, this development will generate less traffic than originally anticipated for the Master plan, which was originally proposed to be a major office building and other retail for this site.

Mr. Bannon showed where the two signals are going to be. The Board asked for a copy of a plan showing where the signals are going. Mr. Pagliarini noted that they will get this to the Board.

There was discussion on the status of the wetlands crossing application at RIDEM for the Centre of New England Boulevard. Mr. Pagliarini noted that it is leverage as a means to clean up the problems with Lake Tiogue. Mr. Lepak asked if there is any way West Greenwich and Coventry can submit a letter of some sort to RIDEM to help expedite this.

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Mr. Ward asked about test drives and the wetland crossing and if it will have any impact in the meantime, as the traffic pattern shown does not go out to Hopkins Hill Road yet. Mr. Pagliarini explained that since there is nothing there, they could go down the road, then turn around and come back. Mr. Bannon noted that it will not have an impact, and noted that car dealerships are not a high volume generator. Mr. Ward pointed out that this needed to be addressed for the record because it is shown one way on the plan, but might be going another way for a little while.

Mr. Ward asked Mr. McNamara what the typical number of test drives are for a day. Mr. McNamara noted he could not answer that, but when factoring in the trips on average, which includes the test drives, he noted that they are still within 20 to 30% range of what another retail use would do on this size property.

Mr. Pagliarini discussed the pylon sign and noted that there is a 50-50 chance the additional signs are CarMax related signs or signs for West Greenwich based Centre of New England businesses only. It was noted that there will be no Coventry business signs on the pylon.

Mr. McNamara went over the pylon sign square footage and location on the CarMax lot. Chairman Boyer asked Solicitor Ursillo if the 3,500 square footage allowed by the ordinance was per side, or for the total sign. There was discussion. Miss Paquet pointed out that it means total surface, because that is how the original 2,000 square foot sign turned into a 4,000 square foot sign. There was further discussion. Chairman Boyer stated that it was never the intent of this Board to have a 7,000 square foot sign. The Board asked for Solicitor Ursillo to review the language of the ordinance. There was further discussion on signs in the Centre of New England development. There was discussion on how far this sign will be from the nearest travel lane on I-95 and if the sign falls if it will land on I-95. Mr. McNamara noted that it is close enough that if it fell it would land on Interstate-95, but that they have professional sign company that calculates wind load, and foundation. Mr. Pagliarini read from the letter submitted by the sign company noting that the sign will be located so as not to damage any adjacent structures within a 135 foot radius, and noted this leaves open the question of I-95. Mr. Pagliarini stated that these signs are engineered very similarly to the towers to implode on themselves. Mr. Ward asked for a total distance including the West Warwick easement and the breakdown lane so that the Board can determine whether or not there could be an improvement on public safety. Mr. Smith pointed out on the plan the distance from the edge of the access road to the fencing is 20 feet, and the distance from the sign to the edge of the right of way is 80 feet, which is not the Interstate, and there is probably at least another 100 feet until you reach the actual edge of a travel lane. He stated that they believe there should be substantial room in case the sign would fall, but that if the Board would still like to see it, they can get that information. Mr. Ward noted he would like some data or exhibit to ensure that it would protect vehicular traffic on I-95.

Mr. Bryan brought up if sustainable design practices have been considered, and noted that it seems this site offers some opportunities. Mr. Bryan asked if they have considered pervious pavement for the WIP area. Mr. McNamara stated that they have not considered it, and noted it is a cost consideration. There was discussion. Mr. Bryan offered suggestions such as capturing roof runoff for irrigation. Mr. Pagliarini noted that Mr. Cambio wants to be LEED Certified for

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the residential development across the street and for the Cedar Ridge project, because he feels it is a marketing tool, and noted that they will have that discussion with CarMax.

The comments from the consulting engineer were raised. It was decided to wait until after the break to have the applicant address these.

There was a 3 minute break. Chairman Boyer had to leave the meeting during the break at 9:12 p.m.. Vice Chairman Berry ran the rest of the meeting. Vice Chairman Berry opened the meeting to public comment.

Paul Kaltschnee, 81 Carrs Pond Rd., asked if the entrance is directly across from any other entrance in the Centre of New England. Mr. Bannon explained that the test drive entrance is opposite the western driveway to Wal-Mart, and that the main entrance is half-way in-between the Wal-Mart entrance and the Home Depot entrance which is opposite the Marriott. Mr. Bannon noted that they are proposing a break in the median for the entrance.

Mr. Kaltschnee asked about the monument sign. Mr. Ward noted it will be 10 feet tall.

Mr. Kaltschnee asked what kind of fencing there will be. Mr. McNamara went over the fence types and locations. There was discussion on the appearance of a guardrail proposed for the front of the property along Centre of New England Boulevard. Mr. McNamara noted it is for security purposes and that there will be landscaping to block it.

Mr. Kaltschnee noted that the pylon sign sounds high and recommended a height of 100 feet. He noted that the Town should have control over the content of the 3 unknown signs. The Board noted that the sign dimensions were previously negotiated to be what they are.

Kelly Stewart, Robin Hollow Road, asked how high the BJ's sign is. Mr. Pagliarini thought it was 85 feet tall. Mrs. Stewart noted if it is going to be 135 she is going to be able to see it. It was noted that the proposed pylon conforms to the ordinance.

Mr. Pagliarini noted that CarMax has agreed to have for the pylon sign light gray poles, similar to the store colors. There was discussion on the sign. Miss Paquet asked what sort of content CarMax would add to the other signs, considering the logo is already at the top. Mr. Pagliarini noted that more than likely it is not going to happen, but that they needed to show the other signs to reserve the right instead of having to come back for another sign. Mr. Lepak asked if the location of the pylon can be changed. Mr. McNamara noted that the goal of the sign is to have visibility from the Interstate and to maximize it as much as they can. He noted that the reason that this was part of the deal with the developer because it sits so far below grade that the building is not able to be seen, and noted that it adds value for the other businesses in West Greenwich to be able to be on the sign. He noted that they determined that this was the most visible spot on I-95 for both directions. There was further discussion on the potential signs. Mr. Ward noted he would not want to see an obnoxiously pink sign up there.

Mr. Ward asked that they present the other signs. Mr. Pagliarini noted that they'll come back with a site plan for each added sign for the unknown signs now. It was noted that any new user

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will need to come back to the Board for review, including any subsequent CarMax signs. Mr. Ward noted that he wants to make sure that the signs are compatible and not offensive.

Suzanne Martin, 21 Carrs Pond Road, asked if the Board has decided what type of signage is ok, such as a flashing sign. She noted the sign will be visible to her home and asked if the sign is a fixed sign. It was noted that all the signs will be fixed, and it will be made a condition of approval that there be no digital words or flashing or neon signs.

Motion to close the Public Hearing. Ward-Bryan (5-0). Mr. Ward asked if it is ok for Miss Paquet to handle the final plan review administratively, and the comments from the consulting engineer. It was noted that some of the comments have already been incorporated into the revised plans. The Board decided to discuss the comments. Motion to re-open the public hearing. Ward-Bryan (5-0).

Mr. Smith went over responses to Mr. Martin's memo. Mr. Smith responded to item 12, and noted that the stormwater management for this parcel has been master planned for the entire development by the developer's engineer. He noted that there were concerns with the capacity of the conveyance system under Centre of New England Boulevard and that this is why the new system has been installed, which now runs to basin 3 instead of to basins 1 and 2 as originally proposed. He noted that he has been in contact with the engineer who has run calculations for the new basin, but it has not been formally submitted, and noted that these calculations will be submitted as part of the final plan application to the Town.

Vice Chairman Berry noted that the Board is at a disadvantage because the memo came in today's mail. Mr. Lepak noted that he received his copy last week. Mr. Ward noted he did not receive it. Mr. Bryan noted he received his today. It was noted that the concerns have to be addressed. Mr. Pagliarini noted that he received the comments last week and his engineer has addressed several of the comments on the plans the Board has seen tonight. Mr. Pagliarini noted that they know they have to address these before final. The Board discussed whether to go over each item. Miss Paquet noted she sent the memo out last week and attached her e-mail correspondence to Mr. Smith noting which items needed to be addressed and which items didn't apply at this point. She noted that some things can be addressed for the construction documents and did not require a new submittal of Preliminary Plans. Vice Chairman Berry read down the list. There was further discussion on whether the Board should go over each comment and have it addressed this evening or it should be handled administratively. Miss Paquet noted that that is what is proposed in conditions of approval 1 and 2 in the draft motion. Mr. Bryan asked Miss Paquet if there were any issues that she wanted the Board to be aware of before they designate her to handle them administratively. There was further discussion on how the Board feels about this. Miss Paquet noted that she doesn't have any issues that the Board needs to decide on. Mr. Regan noted he is ok with it and that most of the comments are just recommendations.

Mr. Bryan asked what is allowed for temporary signage during construction. Miss Paquet noted that temporary construction signs are allowed, but she would have to check the ordinance for dimensions. It was noted that the applicant is proposing two construction signs. It was noted that they will have to comply with the ordinance.

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Mary Kaltschnee, 81 Carrs Pond Road, expressed concern about the Board just receiving a memo today and not having time to review it. Paul Kaltschnee, asked about the plans presented tonight being different than what the Board has. Vice Chairman Berry noted that it was the Town engineer's review comments. Mr. Ward noted that the only thing different was the garage door. Mr. Bryan noted there was also a composite sheet with coloring on the page.

Mr. Lepak asked about the excessive amount parking spaces. It was noted that this was addressed at the TRC meeting. Miss Paquet noted that the plan meets the impervious surface requirements of the ordinance.

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

It was noted that it will be ok to handle the final review administratively, and that any unresolved issues can go back to the Planning Board. Mr. Regan offered Miss Paquet help with any issues and noted that 16 out of 24 comments are recommendations, which are not appropriate.

**Motion** to grant Preliminary Plan approval for the proposed Commercial CarMax Auto Superstore as depicted on plans entitled: 'Construction Plans for CarMax Store # 7276, located at Centre of New England Blvd, West Greenwich, Rhode Island' for Assessor's Plat 1, Lot 4-5, prepared by Kimley-Horn and Associates, Inc., 1250 Hancock Street, Suite 705 N, Quincy, MA 02169-4339, dated 6/13/2008, and as amended through this date, consisting of 27 sheets.

This action is based upon the following findings of fact and conditions of approval:  
Finding of Fact 1 through 7 from the draft motion and Conditions of Approval:

1. That the Town's consulting engineer review the plans and provide comments with regard to site engineering features and details, and to ensure that lighting is pointed downward and is not excessive or reflective off the pavement.
2. That the applicant responds, in writing, to any and all outstanding Town comments, including engineering comments, and that these responses and/or changes to the plans be reviewed and approved by the Town's staff administratively, and the Final review also be handled administratively.
3. Lighting shall be pointed downward, and shall not reflect off the site.
4. That the Town's consulting engineer and Lake Mishnock Fire Company review the emergency vehicle circulation plan to ensure emergency access has been adequately addressed. (sent e-mail to Mishnock July 10, 2008)
5. The developer shall secure written acceptance of the plan for the provision of utilities to the site by the respective responsible agencies.
6. 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, and abutting parcels.
7. The applicant shall reimburse the Town in the amount of \$289.04 for the cost of the public hearing advertisement in the Providence Journal.
8. The applicant shall replenish the project review fee account as needed throughout the construction of the project.

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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, including landscaping and parking; and that if the weather is not adequate for plantings that the landscaping may be bonded.
11. The applicant's engineer shall certify that all drainage improvement have been constructed properly and are functioning as intended by his design.
12. That the developer ensures the stabilization of the slope to the south of the property by the end of the Fall 2008 growing season.
13. Traffic lights shall be installed and operational prior to the Certificate of Occupancy being issued.
14. The panels on the pylon sign shall be fixed as shown on the plan and that CarMax has the liberty to put two of their signs with the same type print and colors, and the two remaining signs need to come back for Planning Board review.
15. The monument sign shall be reduced to 10 feet maximum, which includes the base.
16. any temporary signage shall be in accordance with the sign ordinance.

**Ward-Regan (5-0)**

**Motion** to recommend to the Zoning Board approval on the sign variance as amended, for a maximum 167 square foot variance, as depicted, and that the monument sign shall be reduced to 10 feet tall. **Ward-Bryan. (5-0)**

Motion to continue the remaining items to next month. Ward-Regan. (5-0).  
The following items were continued to next month:

**Advisory Recommendation to the Town Council: Zoning Ordinance**

**--Council request for clarification and additional information**

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

- Affordable Housing Plan Implementation

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

**Election for Planning Board Officers for 2008-2009**

-- Chairperson, Vice Chair, and Secretary (positions run on fiscal year)

**TRC:** designate Planning Board member to Technical Review Committee for 6 month period

**Discussion**

-- Dunkin' Donuts construction changes and Planning Board approval  
AP 14, Lot 12-1 and 12-2; on Victory Highway; addition to existing out building at West Greenwich Plaza

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 10:05 p.m.

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

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A regular meeting of the West Greenwich Planning Board was held on August 18, 2008. Present were: Chairman Mark Boyer, Vice Chairman David Berry, Tim Regan, and Brad Ward (8:08 p.m.). Absent were Tom O'Loughlin and alternates William Lepak and Bill Bryan. Town Planner Jennifer Paquet was present. Town Solicitor Michael Ursillo, Esq. (7:04) was present. Chairman Boyer called the meeting to order at 7:03 p.m.

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**Acceptance of Minutes (CA)**

Motion to approve the July 21, 2008 Regular Meeting minutes. Ward-Regan (3-0)

**Minor Residential Compound Subdivision: Preliminary Plan Public Hearing**

“Baton Woods” – AP 20, Lots 10-1, 10-4, and 13

--Off Victory Highway; 3 lots proposed for compound, one existing homestead; and associated Administrative Subdivisions

Applicant/Owner: Harold Baton

Chairman Boyer noted that the applicant had asked him for a price on this project about 4 years ago and he asked Solicitor Ursillo if he needed to recuse on this agenda item. Solicitor Ursillo noted that as long as Mr. Boyer did not do any work for him that he is all set.

Mr. David Duranleau, Project Manager, Wetland Biologist, and Soil Scientist from Ocean State Planners approached the Board. Mr. Harold Baton was present in the audience. Mr. Duranleau explained the proposed residential compound. He noted that the parcels total about 62 and a half acres, and that the proposed subdivision will use the southwestern portion of the property, with access from a small right of way which is Lot 10-4. He noted that they started the project back in 2006, and that the subdivision suitability was approved in February 2008. He noted that the wetlands were flagged and approved by RIDEM in January of 2007. He noted that the drainage was designed by a consulting engineer, Byron Holmes Engineering. Mr. Duranleau explained the drainage system. He noted that they have added the items as required by the Town's consulting engineer, but that these revised plans have not been reviewed by their consulting engineer yet.

Mr. Duranleau noted that at the last Technical Review meeting that the issue of the lot lines was brought up, and the road needing to be a part of the lots. The Planning Board had questions about the actual proposed lot lines. Mr. Duranleau highlighted the proposed lot lines. There was discussion on the existing lot lines that are being deleted that need to be indicated on the plan.

Chairman Boyer asked Mr. Baton if he understood that land in a Residential Compound can not be further subdivided. Mr. Baton acknowledged this and noted it is for 99 years.

There was discussion on the amended Subdivision Regulations and if this application needs to comply with the new requirements, such as the Topography standards, the Class I survey and the interior lot angles. It was noted that these items will be addressed. Chairman Boyer asked if any waivers are needed pertaining to the new requirements for interior lot angles. Miss Paquet will need to look into this once the lot lines are finalized. The Board noted that they want to see the finalized lot lines. Chairman Boyer went over additional items that are needed to be added to the plan, such as frontage measurements for each lot, ties to the Highway, proposed monumentation,

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and survey data on sheets 2 and 3, and notation on Lot 4 of “no further subdivision.” There was discussion on the acreage changing once the road is incorporated into the lots. The Board decided to require a fresh copy of all the changes.

There was discussion on whether the right-of-way easement is counted as part of the acreage. It was noted that there would be no access from Ambrose Knight Road, and that there is no frontage on Ambrose Knight Road. There was discussion on the Fire Chief comments.

Chairman Boyer asked if any buffer was proposed against the other abutting properties, and asked about what is proposed where the stone wall is. Mr. Duranleau noted the septic systems are at least 20 feet off of the wall, but there might be some trimming if trees are encroaching in the 10-foot septic buffer. There was discussion on the stonewall and the dog-leg shape portion of the abutting lot. Mr. Duranleau noted that lots 10-3 and 10-2 have ISDS fill easements that encroach onto the property.

The Board noted that they will review as-built plans for the final review.

Motion to open the hearing to public comment. Berry-Regan (3-0).

Patrick Nugent, Lot 10-3, noted he lives south of the right-of-way and is opposed to the project because of the rural area that he moved to and now there is going to be a roadway through his backyard. He noted that the plans are not accurately depicting his house, compared to as shown on Google Earth. The Planning Board asked the applicant to have the surveyor field locate the two abutting homes to the right-of-way. It was noted that the road has already been cut in. Mr. Nugent noted the road poses privacy and noise issues for him, and that he thinks it affects the property value. He noted that he doesn't like the idea of traffic in his backyard, or construction noise. He noted he was concerned about drainage and if it is going to go in his back yard. He questioned if trees were going to be between the units or if he would be able to see the houses. The Board considered buffers for this area behind the houses. Mr. Berry asked if there was any option to use the existing driveway for access to this development. Mr. Duranleau didn't think the owner would want to do that.

Scott Wallace, Lot 12, noted he is not crazy about the project because it will open up his whole side of property to trash and pollution and he asked who is going to maintain this road, and where all the slop is going to go when they plow in winter. He asked if there are any buffers here. Mr. Wallace noted that if there are going to be 4-bedroom houses in there that there are going to be kids, bicycles, and cars in there, and there is going to be a lot of people floating around. He noted that he would have no problem if there were buffers or boulders along the road. Chairman Boyer noted that the road would be 16 feet wide and that there would be a homeowners association to take care of it. Mr. Wallace wanted to know how far exactly from his property line is the edge of the road. Mr. Wallace expressed concerns of sanding and salting the road and pollution to the environment.

Chairman Boyer asked Mr. Baton if he would consider the access coming off the existing house's driveway. Mr. Baton indicated that he would just do a full subdivision with 14 houses. The Board asked Mr. Baton again if he would consider, either yes or no, to have the compound

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accessed from the existing driveway. Mr. Baton stated he wants to keep the access where it's shown.

Motion to continue the hearing to the September 15, 2008 meeting. Berry-Regan (3-0).

**Advisory Recommendation to the Town Council: Zoning Ordinance**  
**--Council request for clarification and additional information**

It was noted that the question had to do with percent impervious area in the Highway Business zoning district. The Board held discussion. Motion to recommend to increase the maximum impervious surface coverage in the Highway Business zoning district from 65% to 80%. Berry-Regan (3-0).

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

**Major Land Development Project- Pre-Application Plan**

Conversion to multi-unit building with site improvements in Highway Business Zoning District  
Description of uses: vehicle storage and repair, office and/or other commercial

--on New London Turnpike

Applicant/Owner: Nooseneck Hill Realty Management, LLC (Michael Durand, Principal)

Mr. Peter Suorsa, PLS from Coventry Survey Company approached the Board. Mr. Michael Durand was present in the audience. Mr. Suorsa noted the location of the building and the improvements that Mr. Durand would like to do, such as parking, landscaping, paving, drainage, and traffic circulation. He explained the layout and elevations of the building and the proposed use of repairing Mr. Durand's own trucks for Coventry Lumber. He noted that the use for the other portion of the building is unknown at this point, but that it would most likely be for office or other low traffic use.

Chairman Boyer expressed concern of how to calculate parking spaces. Miss Paquet noted this seems more of an accessory use to an off-site business as opposed to it being more of its own commercial use. Chairman Boyer noted this is something to look into to determine what will be required as far as the parking. Chairman Boyer asked about the proposed hours of operation. Mr. Durand noted that his normal business hours are Monday through Friday 8 a.m. to 5 p.m. Chairman Boyer noted that when they do the engineering to make sure they can accommodate the truck turning movements for the size vehicles they will bring on site. It was noted that the items in Miss Paquet's memo will have to be addressed. It was noted that there would be very little lighting. It was noted that there will be no storage of vehicles outside the building.

The Board noted that they will ask for a water quality test later. There was discussion on the drainage issues with New London Turnpike and flooding, and noted that this site drains to the sides and rear and will lend itself to getting the water off of the road.

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**Development Plan Review- Preliminary Plan**

“Bounce U” – AP 3, Lot 16

Description of use: children’s indoor commercial entertainment (for parties)-  
requires Special Use Permit by Zoning Board

--Off Hopkins Hill Road, in Hopkins Hill Industrial Park

Applicant: MJK Development LLC (Joe Barbera)

Kevin Morin, PE from DiPrete Engineering approached the Board. He noted that Kevin DeMers, PE and Mr. Joe Barbera, were also present.

Mr. Ward arrived at 8:08 p.m.

Mr. Morin noted that each development within the business park needs to come in for development plan reviews. He noted that this Bounce U is a place to hold kids’ birthday parties and that there are two bounce rooms with inflatable equipment and two party rooms, where food can be catered in. He noted that the parties run usually about 2 hours, with the busiest times Friday through Sunday. He noted that this use also requires a Special Use Permit.

Mr. Morin went over the parking and the main entrance to the building, and showed potential additional parking areas if needed. Mr. Berry asked how the parking spaces were calculated and how many people were figured to be in the building at one time. Mr. Morin noted that they worked with Bounce U and proposed 26 spaces. He noted that they factored a theatre classification of one space per 4 patrons, with roughly 60 people at a time, which brings it up to 15 spaces, and a small office use with one space per 2 employees, with 6 employees at busy times, for an additional 3 spaces. He noted that they are showing 18 spaces required with 26 spaces proposed, and that they would also like to integrate some additional spaces for float between the party times.

Mr. Morin went over the entrances and doors to the building and emergency egress.

Mr. Morin noted that when they did the Major Land Development, they received RIPDES and Site Suitability approval. He noted that the UIC application is still pending and that they expect to have the ISDS permit tomorrow. He noted that he met with Lake Mishnock Fire last week, and handed out a letter dated August 18, 2008 from Deputy Chief Hitchcock. He noted that changes were needed for access, and that minor changes have been made to the plan. He noted that they pushed back the rear slope and added a retaining wall there, and changed the sidewalks to exit pads at the doors. He noted that they also added a dumpster area, and the proposed future access to the abutting site, to show that this access does not affect this site. He noted that the drainage is underground.

Chairman Boyer asked if these are individual lots. Mr. Morin explained that they are land condominiums, with the road as the common element. It was noted that the unit has not been defined with metes and bounds yet.

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Mr. Morin noted that Kent County Water gave approval for domestic water for this project in June. Mr. Regan asked if the waterline is in. Mr. Morin noted that waterline is in the length of the street, but that it has not been activated, and that as-builts are needed.

Chairman Boyer noted that two years ago there was a really bad drainage problem back here and asked if there have been any problems with all the rain we've been having. Mr. Morin noted that there have been no problems.

Mr. Berry asked if there was underground utilities. Mr. Morin noted that there are overhead lines behind the Dunkin' Donuts and extend along the property line with Centrex, then drop underground to feed the buildings.

Mr. Morin noted that there are two handicapped accessible parking spaces. There was discussion on the sidewalks and the entrance. There was discussion on the engineer's comments.

Mr. Berry asked if the hydrant locations were chosen by the Fire Chief. He noted that something in writing is needed from the Fire Chief about the hydrant locations.

Miss Paquet noted that additional architectural drawings were received today and passed them to the Board members. Chairman Boyer asked about signage and what the colors on the building will be. It was noted that the sign would not exceed the requirements. Mr. Barbera noted he would like the tan and green like Coventry Lumber.

Mr. Regan asked about the boulder retaining wall. Mr. Morin noted they will have to submit shop drawings for the building permit. Mr. Ward noted it is in the building code.

Motion to approve the Preliminary Development Plans revised through 8/15/08 for the proposed Bounce U children's entertainment facility, prepared for MJK Development, LLC, prepared by DiPrete Engineering, Inc., with the following conditions:

1. all site work, infrastructure construction, and landscaping shall be fully completed, and inspected by the Town's consulting engineer, prior to issuance of a Certificate of Occupancy.
2. Lake Mishnock Fire Company shall review and provide comments on the proposed plan, and any needed changes shall be made
3. show handicap access ramp and signage for handicap parking spaces
4. Final review may be administrative by the Town Planner, based on evidence that the project has been completed according to the approved plan, as supplied by the applicant's engineer and contractor, in writing.
5. address any other items raised by consulting engineer
6. Submit documentation from the Fire Chief that the hydrant locations are acceptable
7. the retaining wall issues shall be addressed by the appropriate authority (Building Official or Town Engineer)

This approval is based on the 5 findings of fact in the drafted motion. Ward-Regan (4-0).

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Motion to recommend to the Zoning Board the approval of the application dated 8/15/08 for MJK Development, LLC for a Special Use Permit for the use of indoor commercial entertainment within the Industrial Zoning District, with the condition that any change of use come back to the Planning Board for development plan review. This motion is based on the following findings of fact:

1. That the proposed use will be located within a master planned, Major Land Development for an Industrial Park designed for light industrial and commercial uses such as storage and offices.
  2. That the proposed use is well suited to the planned development and will be located with ample parking
  3. the proposed use will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property; nor are there any adjacent uses that will adversely affect the proposed use.
  4. the proposed use will not result in or create conditions that will be detrimental to the public health, safety, morals, and general welfare of the community
- Ward-Regan (4-0).

**Advisory Opinion to Town Council on application for Zone Change proposing to revert from Senior Village District back to Highway Business: AP 1 Lots 13, & 15**

-- On Division Street

Owners: Thomas and Jeanette Lepre, and Thomas and Beverly Lepre

Mr. Thomas Lepre and Mr. Robert Lepre, representing his mother, approached the Board. Mr. Thomas Lepre noted that Mr. Cambio never executed the Purchase and Sales agreement they had. Chairman Boyer asked Solicitor Ursillo if Mr. Cambio was granted an approval based on one scheme and it changes, if this constitutes an amendment to the approval. He noted it has to do with buffering and a requirement that there be no access to the site from Division Road. Solicitor Ursillo asked if there was an 'out' in the Purchase and Sales Agreement and why they aren't forcing Mr. Cambio to purchase the property. Mr. Lepre noted it was private. Solicitor Ursillo explained that he will have to look into this and noted he can not give the Board an opinion tonight whether or not they can move forward on it based upon what the Council had approved. He noted that it is complicated due to the zone change that was based upon certain assumptions. He noted he will need to research this for the next meeting.

Chairman Boyer entertained comment from the public on this item.

Suzanne Martin, noted that the Town Council sent this item to the Planning Board and noted that the Town Council said there would be a Cease and Desist if the whole approval was based on the purchase of the Lepre property. She noted that there has not been a Cease and Desist because she lives in the area and at 7 in the morning there is construction and banging on ledge. She also noted that there was to be no access to Division Road and that Mr. Cambio said he would put it in writing. She noted that if it reverts to Highway Business they would lose the buffer zone. She noted that it was to retain the residential look and feel. She noted there was supposed to be the buffer zone, then the 2 residences, then more buffer zone, so that the neighbors on Division

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Road would see residential area. She noted that if it goes back to Highway Business, there will be commercial and traffic there and it will turn into a commercial area which is opposite what Mr. Cambio said. She noted that it is not right. She noted that they are against commercial.

Paul Kaltschnee, 81 Carrs Pond Road, read from the Town Council's minutes on the zone change and noted item 4 states that vehicular access to the property shall be from New London Turnpike only and not from abutting residential streets, including Division Street. Chairman Boyer noted that the Board does not even know if they can hear this application.

Paul Kaltschnee asked Solicitor Ursillo about him being approached about a Cease and Desist. Solicitor Ursillo noted that at that time no application had been made yet and there is nothing the Town can take to court, which is why he questioned if the Lepres were going to court for their own enforcement. Solicitor Ursillo noted that there is no violation from the Town's perspective yet. Mr. Ward noted that it is the Lepres who have been harmed. He noted also that the Board has the authority to impose buffers to protect the interest of the residents, as best they can.

Motion to continue to September 15, 2008 meeting. Ward-Regan (4-0).

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

- Affordable Housing Plan Implementation

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

Motion to schedule a special meeting for 6 p.m. Monday August 25, 2008 to go over the Mixed Use Village Districts and Residential Compound Ordinances. Ward-Berry (4-0).

**TRC:** designate Planning Board member to Technical Review Committee for 6 month period  
Brad Ward was designated for the TRC meeting.

**Discussion**

-- Dunkin' Donuts construction changes and Planning Board approval  
AP 14, Lot 12-1 and 12-2; on Victory Highway; addition to existing out building  
at West Greenwich Plaza

Miss Paquet noted that when the Certificate of Occupancy was requested that she went out to the site and noticed that there were deviations to the approved plan and asked to have them addressed. She noted a temporary CO was issued and in the meantime the issues were addressed.

**Discussion**

-- Engineering Review- define scope of work, consider Request for Qualifications/Proposals

There was discussion. The Board noted that engineering firms should not be reviewing grammatical work or making suggestions, they are to review engineering only. The Board decided to use only Mr. Zavalia for future reviews.

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**Election for Planning Board Officers for 2008-2009**

-- Chairperson, Vice Chair, and Secretary (positions run on fiscal year)

The officers were elected as follows:

Secretary: Tim Regan. Boyer-Ward (4-0)

Vice Chair: Brad Ward. Regan-Ward (3-0) with Berry abstain

Chair: Mark Boyer. Ward-Regan (3-0) with Boyer abstain

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 9:25 p.m.

## **WEST GREENWICH**

**August 25, 2008**

### **PLANNING BOARD SPECIAL MEETING**

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A special meeting of the West Greenwich Planning Board was held on August 25, 2008. Present were: Chairman Mark Boyer, Tom O'Loughlin, alternate William Lepak, Brad Ward (6:17 p.m) and alternate Bill Bryan (7:10 p.m.). Absent were Vice Chairman David Berry and Tim Regan.

Town Planner Jennifer Paquet was present.

Chairman Boyer called the meeting to order at 6:08 p.m.

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#### **Advisory Recommendation to the Town Council: Residential Compound Ordinance**

Chairman Boyer went over his comments on the proposed changes. There was discussion on how to handle road safety and maintenance conditions when a residential compound is proposed off of an existing private right of way, and scenarios when there are already existing homes on the private right of way. There was discussion on considering these on a case by case basis, with input from the consulting engineer. There was concern of placing the burden of an upgrade on the last house, or on one individual. The Board decided to ask the Solicitor if there can be a requirement that all the existing compound lots can be assessed, or have some notification of such on the plan or in the Homeowner's Association documents, to share in the costs with the future upgrades at the point where the need for the upgrade is triggered, and how to actually do this. The Board decided to ask the Solicitor if there is a better way to word the language on page 6 for number 9 regarding more than 5 lots using an existing right of way for access. The Board decided to have a consulting engineer come up with a standard right of way travel width for private right of ways servicing a Residential Compound. On page 2, item C, it was decided to keep the word "contiguous" pertaining to minimum footage for point of access.

There was discussion on gravel roads. The Board decided to have the Solicitor come up with some sort of language for penalties on erosion and sediment control, particularly sediment eroding into any Town road years after the compound is built out, to get the residents of the compound to clean it up.

There was further discussion on gravel roads. The Board decided to change page 6 item 4 to no more than greater than 4% on the slope of the gravel road, due to erosive susceptibility.

There was discussion on underground utilities. The Board agreed that it should not be required, but decided to ask the Solicitor if the ordinance should remain silent on this, or if it should say "at the Board's discretion."

Bill Bryan arrived at 7:10 p.m.

The Board discussed the right-of-way width and if it should be as stipulated by the Fire Marshall. The Board questioned what is the narrowest roadway they can do, to make it still look rural. There was further discussion on road design standards such as vertical curve and radii. Chairman Boyer noted he will look into this. Mr. Ward noted there is also a concern of vegetative overgrowth over the years and lack of upkeep on maintenance and snow plowing standards for emergency vehicles. It was decided to have the Solicitor make sure that there is long term maintenance and snow plowing language in the association documents.

**WEST GREENWICH**

**August 25, 2008**

**PLANNING BOARD SPECIAL MEETING**

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Tom O'Loughlin left the meeting at 7:25 p.m.

Mr. Lepak expressed concern of the 60 foot cul-de-sac radius and noted it is too much. He noted that the Fire Chiefs are not professional planners or engineers and they should not be given precedent in judgment. There was discussion. It was noted that for residential compounds, there are options for the end turn around, and that it is more of a loop with vegetation in the center than a cleared cul-de-sac.

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

- Affordable Housing Plan Implementation

Chairman Boyer had questions on some of the items on the proposed ordinance. There was discussion on not allowing more than 3 bedrooms per unit. It was noted that for landscaping and lighting and some of the other sections, now that the Land Development and Subdivision Regulations have been amended, that we can just refer to those sections. There was discussion on proposed uses in the matrix and it was decided to not allow funeral services, crematories, automotive rentals, or automobile parking.

Motion to continue both items to the next regular meeting. Ward-Bryan (4-0).

Motion to adjourn. Ward-Bryan (4-0). The meeting ended at 8:15 p.m.

**WEST GREENWICH**  
**September 15, 2008**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on September 15, 2008. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Tom O'Loughlin (7:04 p.m.), and alternate William Lepak. Absent were Vice Chairman Brad Ward and alternate Bill Bryan. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre, Esq. was present.

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

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**Acceptance of Minutes (CA)**

Motion to approve the August 18, 2008 Regular Meeting minutes. Berry-Regan (3-0) with Lepak abstaining.

Motion to approve the August 25, 2008 Special Meeting minutes. Berry -Regan (4-0)

Mr. O'Loughlin arrived at 7:04 p.m.

**Minor Residential Compound Subdivision: Preliminary Plan Public Hearing , cont.**

"Baton Woods" – AP 20, Lots 10-1, 10-4, and 13

--Off Victory Highway; 3 lots proposed for compound, one existing homestead; and associated Administrative Subdivisions

Applicant/Owner: Harold Baton

- Continue to October 20, 2008 meeting

No one was present, and it was noted that the applicant requested to be continued. Motion to continue to the October 20, 2008 meeting. Berry -Regan (5-0)

**Minor Residential Compound Subdivision: Pre-Application Plan**

"Finlandia Hollow" – AP 12, Lot 9

--off Robin Hollow Road; 2 new lots proposed for development, (plus one existing house)

Applicant/Owner: Paul St. Martin

Peter Suorsa, PLS with Coventry Survey was present, along with Mr. St. Martin. Mr. Suorsa explained that Mr. St. Martin would like to respond to the comments from the Planning Department.

Mr. St. Martin addressed the Board on the private roads and his previous subdivision history. He noted that he has owned the lot he lives at since 1998, and noted that in 1997 he purchased 21.5 acres surrounding his property. He noted that a year and a half after he purchased the property he found out that Finlandia Boulevard and Stark Drive were both private ways that were not taken care of by the Town. He noted that for the past 11 or 12 years the Town does plow and take care of Stark Drive, but they do not do anything to Finlandia Boulevard. He noted that he paved Finlandia for about 200 feet at his property, and has kept up the rest of the road and plowed it. He noted that Stark Drive continues to be an issue for the Town because of the water runoff during storms and the dirt that goes down into Robin Hollow Road. He explained that in 2004 he split off two lots with frontage on Robin Hollow Road, and that he then moved the lot line to keep the rest of the land with his 4-acre lot. He noted now he tried to think of the best way to serve the proposed lots with keeping enough natural buffer and the woods, and he noted

**WEST GREENWICH**  
**September 15, 2008**  
**PLANNING BOARD MEETING**

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that he felt that since he has kept Finlandia up all these years, and there has never been any issue with drainage or the road, that the easiest way to come into his land would be through Finlandia Boulevard. He noted that he has been researching the old records to try to find out who actually owns Finlandia Boulevard and Stark Drive.

There was discussion on if the previous subdivisions affect the eligibility for a Residential Compound and there was discussion on the private roads. Chairman Boyer noted that subdividing off of a private road is a sticky situation in Town. There was discussion on the Town Planner's memo. There was discussion on who owns the roads and Chairman Boyer suggested to Mr. St. Martin to research the ownership and try to obtain the ownership of Finlandia Boulevard and Stark Drive.

The Board decided to do a site visit of this site to see the condition of the existing private roads and the site distance at the Robin Hollow Road access and the topography of the site. This will be coordinated during the week.

Mr. St. Martin asked to have lot 4 cut out now. Mr. Lepak noted that it would be a subdivision and then the rest of the parcel would no longer be eligible for a Residential Compound.

**Minor Residential Compound Subdivision: Pre-Application Plan**

Buhre Compound – AP 18, Lot 11-1

--off Weaver Hill Road; 4 new lots proposed for development, (plus one existing house)

Applicant/Owner: Ted and Ingrid Buhre

Chairman Mark Boyer recused himself. Mr. Regan took over for the Chairman. Mr. Tony Nenna, PE from On-Site Engineering, approached the Board. Mr. & Mrs. Buhre were present in the audience. Mr. Nenna explained the proposed compound subdivision.

Miss Paquet noted that the Fire Chief would prefer a dry hydrant if the wetland has water year round. Mr. Buhre indicated that it goes dry. Miss Paquet noted that then the Fire Suppression Fee would be required for a cistern.

Mr. Lepak questioned why the roadway is less than 16 feet wide through the wetland, as required by the regulations. Mr. Nenna explained that it is because it is to minimize the impact through the wetland. Mr. Lepak noted that he is not in favor of granting a waiver, and doesn't see what the hardship is. The Board discussed the width of the road and noted that it is an issue because 16 feet is the regulations and the Board will adhere to this.

The Board asked questions on the 1.4 acres of contiguous area, the 30 foot access, and noted that Lot 1 will have to be served by the compound road.

Mrs. Letendre noted that there should be language in the easement that acknowledges the wetland crossing so that it is clear that this is a sensitive area.

The Board noted that they will require the 16 foot wide road for the application to go to RIDEM.

**WEST GREENWICH**  
**September 15, 2008**  
**PLANNING BOARD MEETING**

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**Advisory Opinion to Town Council on application for Zone Change proposing to revert from Senior Village District back to Highway Business, cont.:** AP 1 Lots 13, & 15

-- On Division Street

Owners: Thomas and Jeanette Lepre, and Thomas and Beverly Lepre

No one was present. Chairman Boyer called the applicant's family and noted that they are out of Town and would like to be continued. Motion to continue to the October 20, 2008 meeting. O'Loughlin-Regan (5-0)

**Advisory Recommendation to the Town Council: Mixed Use Village Districts**

- Affordable Housing Plan Implementation

There was no discussion.

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

The Board went over the responses from Mrs. Letendre and Miss Paquet. It was noted to incorporate all the changes into the document and to have a clean version ready for next month's meeting.

**Conservation Development Discussion**

Miss Paquet explained that the Town Council had expressed interest a year ago for the Board to pursue this, and that at their last meeting the Council asked for the Planning Board to add this to their agenda. The Board asked to have staff prepare policy questions to decide on for next meeting.

The Board asked to have a professional workshop set up to go over the details of Conservation Development design, and to have this be a joint workshop with all the Town boards, and to have it catered.

**Comments by Board Members**

The Board held discussion on residential compounds pertaining to upgrades to private roads.

Chairman Boyer noted that Mr. Zavalia can no longer review plans for the Town due to his new job.

Chairman Boyer and Mr. Regan noted that they will be preparing an RFP for firms to perform professional services for the Town.

Motion to adjourn. Regan-Berry (5-0). The meeting ended at 8:45 p.m.

## **WEST GREENWICH**

**October 20, 2008**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on October 20, 2008.

Present were: Chairman Mark Boyer, Brad Ward, David Berry, Tim Regan, Tom O'Loughlin, and alternate William Lepak. Absent was alternate Bill Bryan. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre, Esq. was present.

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

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#### **Acceptance of Minutes (CA)**

Motion to approve the September 15, 2008 Regular Meeting. Berry- Lepak (5-0) (Mr. Ward abstained).

#### **Minor Residential Compound Subdivision: Preliminary Plan Public Hearing , cont.**

“Baton Woods” – AP 20, Lots 10-1, 10-4, and 13

--Off Victory Highway; 3 lots proposed for compound, one existing homestead; and associated Administrative Subdivisions

Applicant/Owner: Harold Baton

- Revised Plan

Mr. David Duranleau of Ocean State Planners was present. Mr. Baton was present in the audience. Mr. Duranleau gave a brief explanation of the site and the proposed subdivision.

Chairman Boyer noted that most of the changes have been made. He noted that the road needs to be defined and it also needs to be deducted out of the suitable land calculation. The Board decided that a separate sheet of just the defined roadway easement needs to be part of the recorded plan.

There was discussion on no further subdivision of lot 4, and the note that was added to the plan. It was noted that this needs to be more clear. There was discussion on buffers for the houses abutting the compound driveway. There was discussion on the comments from the consulting engineer. It was noted that the vegetation needs to be more deer proof.

Chairman Boyer opened the hearing to public comment.

Mr. Nugent, Lot 10-3, asked about the buffer and the road. Chairman Boyer explained that it is a compound road, which is private and has a 16 foot wide travel width. Mr. Nugent noted that Ambrose Knight road is along his property and now this new road will go along the other side of his property, and asked the Board about creating two roads that intersect at the State road. Chairman Boyer noted he had this conversation with the consulting engineer and that he believes it was an item for RI DOT for the Physical Alteration Permit. There was further discussion on this.

The Board noted that the screening needs to be more intense at Mr. Nugent's house. Mr. Nugent noted that he does not appreciate two sides of his property being turned into roads. Chairman Boyer noted that the Board has discussed shifting the roadway over away from Mr. Nugent's house, and Mr. Ward.

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Ms. Carolyn Garvey, Ambrose Knight Road, asked why they need another road and why can't they use the same road. Chairman Boyer noted that this question was asked at the last meeting and will be asked again tonight. Ms. Garvey expressed concern about the proximity of this new road to Ambrose Knight Road. Chairman Boyer explained that RIDOT has jurisdiction on this. Ms. Garvey asked how wide the road is. Chairman Boyer explained that there is a 50-foot right-of-way there, but the road will be a 16-foot wide gravel driveway. Mr. Lepak explained that Mr. Baton had the option to make this a paved road at 24 feet wide. Ms. Garvey understood that the 16 foot is a rural option. Ms. Garvey noted that she is opposed to the subdivision and that the noise will greatly impact the area. She stated concerns of the environment, traffic, noise, and wells. Mr. Berry explained that the Residential Compound is an option as opposed to a regular subdivision. Chairman Boyer noted that there is another 50 acres that could be subdivided if this doesn't go the way of the Residential Compound. She noted that it is a peaceful setting and asked if there is any way the access can come in on the existing road.

Lydia Wallace, 36 Victory Highway, asked where the road is going to be from the treeline on her property. There was discussion. Mr. Ward noted that he suggested that the road meander over and hug the other side of the right-of-way. Ms. Wallace noted she has a culvert under her driveway and asked if this is going to increase the water. Chairman Boyer noted that the engineer is designing the roadway so that there will be no runoff to her property. Ms. Wallace noted that she enjoys the peace and quiet and is concerned about people traveling up and down this road. She noted that she does not want a road right next to her house. She noted that she is worried about the 3 houses that are going to be built there and teenagers. She noted she is worried about people sliding off the road and going into her property. Chairman Boyer noted that the Board is going to try to come up with the best scenario for this property. Ms. Wallace expressed concern that with this economy the three houses will be built and no one will move there and they will get robbed. She noted that she wants to feel safe and if there are three houses back there she will not feel safe.

Mr. Nugent asked if there is a PAP or not. Chairman Boyer noted that the Board will need it before a decision is granted. Mr. Nugent asked the Board to consider using the existing roadway.

Chairman Boyer asked Mr. Duranleau why they chose not use the existing roadway. Mr. Duranleau noted that topographically the proposed road works for preventing drainage from going into the State road. He noted that to use Mr. Baton's existing driveway they would have to widen it because it is only about 8 feet wide, and noted that there wouldn't be enough room on either side of the property to adequately provide drainage. There was discussion on the feasibility of this. Mr. Duranleau noted that Mr. Baton also wanted the road to remain private access for his own property.

Chairman Boyer noted that he is not comfortable giving an approval not knowing if the State PAP has been granted or not. The Board held a 5 minute recess.

Mr. Duranleau and Ms. Paquet noted that a copy of the approval from RIDOT is in the file.

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Chairman Boyer asked Mr. Baton if he would consider using his driveway for the compound road. Mr. Bated explained that the reason why he chose to do this is because he wants it to be the farm with 50 acres, and if you let other people use the driveway that is the end of the farm.

It was noted that the Board needs to make a decision on this application by the end of November. Mr. Ward asked Mr. Baton asked if he would consider having just lot 3 access through his driveway in order to reduce some of the traffic on the compound road. Mr. Baton noted that it is an engineered road and noted that there is not a lot of traffic. It was noted that Mr. Baton's answer is 'no' to allow the lots to use his driveway for access.

Mr. Lepak noted that Mr. Baton has the option to subdivide and put in 15 to 20 houses, and put in a conventional 24 foot wide asphalt subdivision roadway, but instead that he is offering 3 lots off of a 16 foot wide gravel residential compound road.

Mr. Nugent, asked if this tone is a 'if you don't get this, we could get something much more,' such as was Mr. Baton's veiled threat at the last meeting. The Board noted that Mr. Lepak is being informative to the public for those who may not understand the regulations. Mr. Lepak noted his is trying to explain the legal options the applicant has.

**Motion** to approve the proposed Residential Compound Minor Subdivision Preliminary Plan entitled, "Baton Woods," for AP 29, Lots 10-1, 10-4, and 13, dated March 4, 2008, revised through September 24, 2008, prepared by Ocean State Planners, Inc., for Harold Baton, with the following conditions:

1. address all outstanding engineering comments, and any Planning Board requirements as noted at the meeting
2. pay open space and recreation fee on the three house lots proposed for development.
3. All improvements need to be completed and inspected by the Town prior to Final Review.
4. the applicant shall submit all legal documents as part of Final Review, and include all necessary notations on the record plan.
5. an inspection, maintenance, and repair program for the drainage system as shown on the Preliminary Plan shall be the responsibility of the residents of the compound, and shall be incorporated into the Homeowners' Association Documents.
6. the Preliminary approval shall expire one year from date of approval, unless the final plan is submitted within that time. Extensions of approval shall be heard by the Planning Board.
7. the Planning Board shall review the Final Plan to ensure that the improvements have been completed properly. As part of the Final Plan application, as-built drawings shall be submitted in accordance with the Land Development and Subdivision Regulations, and the applicant's engineer shall certify whether the drainage has been installed and constructed properly and will function according to his design. Comply with the additional requirements as noted in the Residential Compound Ordinance
8. proper erosion controls shall be used during all stages of construction, including house construction.

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9. the Project Review Fee account shall be replenished by the applicant as needed, when requested by the Town.
10. no street lights shall be permitted
11. add more extensive screening (deer proof species) to ensure the Nugent and the Wallace residences are protected, and that this revision shall be reviewed by the Town's consulting engineer and the Planning Board to determine if it is acceptable. These screening areas shall be added to the plan with a note as a 'no cut zone'.
12. the other required changes to plan may be handled administratively
13. add words "no further subdivision" in bold print on lot 4 of the record plans
14. change the roadway layout to meander away from the homes and that this be reviewed by the Town Engineer and the Planning Board at the next meeting.

This motion is based on the 7 findings of fact in the draft motion.

Ward-Berry. (4-1) with Boyer voting nay.

### **Advisory Opinion to Town Council on application for Zone Change proposing to revert from Senior Village District back to Highway Business, cont.: AP 1 Lots 13, & 15**

-- On Division Street

Owners: Thomas and Jeanette Lepre, and Thomas and Beverly Lepre

Mr. Robert Lepre approached the Board and noted that they filed an application to change back to Highway Business. He explained that the purchase and sales agreement with Mr. Cambio was never executed, and noted that they would like to go back to the Highway Business designation like it had been since 1969.

Mr. Berry asked if it would be better to change this to a residential zone, considering the expectations of the residents. There was discussion. Mr. Ward noted that there should have been a reversion clause in the decision in the event ownership was not taken under the LLC, to protect the rights of the Lepres, and noted that he feels blindsided. He noted that the applicant had Highway Business before the change, and that they want to go back to what they had initially.

Mr. Lepre noted that if the purchase and sales wasn't signed with Mr. Cambio that this property would still be Highway Business, and noted that he objected to the change to Senior Residential District, and that this was the only reason that they went along with it. He noted that he felt like his family was used as a pawn, for Mr. Cambio to get what he wanted.

Mr. Berry asked why the Board can't pull the Cedar Ridge approval and redo the whole thing. Mrs. Letendre explained that the purchase and sales of the Lepre property was never made a condition of approval, and that there is nothing legally defining that the sale had to go forward in order for Cedar Ridge to go forward.

Mr. Lepak asked if the Town Planner has looked at the zoning use matrix to see what benefit it would be for the applicant to revert to Highway Business. Ms. Paquet explained that she looked at the benefit to stay Senior Residential and noted that there is no benefit because in order to be developed as a Senior Residential District it has to be developed as a minimum of 5 acres, and

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combined the two Lepre properties total 2 acres. She noted that the only use allowed in the Senior Residential District is residential, and that all commercial is prohibited. Mr. Berry asked if the applicant would consider changing it to residential. Mr. Lepre noted that they would not consider changing it to residential and want to keep the application as it stands.

Chairman Boyer took comments from the public. Steve Miller, Ray Dauplais, Ed Overton, and Paul Kaltschnee spoke against the change back to Highway Business and asked to keep it non-commercial.

Mr. Lepre noted that the property to the left of his property is zoned Highway Business all the way to New London Turnpike.

Mr. Lepak asked if it would be considered a taking if the Town does not change it back. Mrs. Letendre explained that it is not likely because they would need to find that there was no beneficial use.

Mr. Ward noted that the Board should have put in a reversion clause, and explained that the fact is that the applicant had Highway Business before, and they only want what they had before reinstated. The Board discussed the residential use versus the application before the Town to change back to Highway Business.

**Motion** to recommend to the Town Council the approval of the requested zone change for AP 1, Lots 13 & 15 from Senior Residential District back to Highway Business as requested in the application of Jeanette A. Lepre and Thomas and Beverly Lepre dated July 23, 2008, based on the following findings of fact:

- 1) That the zoning on the lots was recently changed to the new Senior Residential zoning district on March 19, 2008, at which time the property was anticipated to be purchased by the developer of the abutting parcels, to be part of a larger Land Development Project.
- 2) That the agreement between the developer and the applicant is no longer in effect.
- 3) That the parcels of this application had been previously zoned Highway Business by the Town of West Greenwich since the adoption of zoning in 1969.
- 4) That during the hearing for the zone change to Senior Residential District zoning under the application of Commerce Park Associates 12, LLC, the Town recognized that the parcels under consideration for rezoning had been currently zoned Highway Business, and that it was important to keep some of the land zoned Highway Business, due to the proximity to highway access and public water, rather than to rezone all of the land for residential development in the manner requested.
- 5) That the proposed zone change is consistent with the Comprehensive Plan, specifically, Economic Development Goal # 5, To enhance, strengthen, and promote existing Highway Business Districts.
- 6) That the proposed zone change supports the following purposes of the Zoning Ordinance:
  - a. Provide for a range of uses and intensities of use appropriate to the character of the Town of West Greenwich reflecting current and expected future needs.

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- b. Provide for orderly growth and development which recognizes the availability and capacity of existing and public and/or private services and facilities and the need to shape and balance urban and rural development.

Ward-O'Loughlin (4-1) with Mr. Berry voting nay.

**Minor Residential Compound Subdivision: Pre-Application Plan , cont.**

"Finlandia Hollow" – AP 12, Lot 9

--off Robin Hollow Road; 2 new lots proposed for development, (plus one existing house)

Applicant/Owner: Paul St. Martin

- Planning Board report on Site Visit
- Discussion on possible use of existing Right-of-ways for access

Peter Suorsa, PLS with Coventry Survey was present, along with Mr. St. Martin.

It was noted that Chairman Boyer and Mr. O'Loughlin went out to see the site. Mr. O'Loughlin noted that the driveway coming off of Robin Hollow Road was paved for the first 50 feet, and it is coming off a blind curve so it is a tough corner there. He noted that he also drove up Finlandia up to the pavement. Mr. Suorsa explained the title of the road transferred from Mr. Stark to Mr. Hanney, and that is the last time it is mentioned. He noted that in Mr. St. Martin's original deed it is noted that he had the right to use it. He noted that title-wise, he understands that it is still in Mr. Hanney's name.

There was discussion on which lots would use which access. Mr. St. Martin noted that he is asking for none of the lots to continue to use the Robin Hollow access, as he does today, so that there would be no additional cars coming in and out of Robin Hollow. He noted that his house would now use Finlandia, as it originally did, and the second house that they want to put off of Finlandia would also use it.

There was a question on what constitutes the frontage. Mrs. Letendre suggested that Finlandia qualifies as frontage. Chairman Boyer questioned whether Finlandia is a private road or a private right-of-way, and noted that he thinks it is actually a road.

There was discussion on what the Town does to maintain this road. It was noted that they do plowing, and Mr. St. Martin has been doing repairs to Finlandia. There was still a question as to whether the roads are public or private. Mrs. Letendre noted that there is a way for a private road to become a public road, and it is by public use and public maintenance, but it requires a court action to finalize, and the Town would want it to be upgraded to meet Town standards. She noted that you could continue to allow access to these properties off of the private road, without the Town having to accept ownership and maintenance.

There was discussion on the slopes. Mr. Suorsa explained that they have done slope calculations and wetland calculations. There was discussion on not allowing further subdivision of lot 1. It was noted that this should be a condition and also that there should be no access to Finlandia for Lot 1.

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Mr. Suorsa noted that Finlandia was recorded somewhere around the late 1960's. Mr. Ward asked if it is considered public if it was recorded before zoning.

Mr. Berry asked if the Town can legally allow another lot off of a private right-of-way. Mrs. Letendre said yes.

Chairman Boyer noted that the applicant is here for guidance. He asked the Board if they would consider allowing him to subdivide it like this where lot 1 has the only access to Robin Hollow Road with no access across lot 1 from Finlandia or lot 3 to Robin hollow. He noted that otherwise, they need to configure it a different way.

Mr. Lepak asked what the Public Works Director and the Town Planner's opinions on this were. Ms. Paquet explained that Mr. Andrews did not agree with allowing additional lots off of the private right-of-ways and noted that it is becoming to be a problem for the Town. Ms. Paquet explained that what was suggested, and run by the Public Works Department, was that if the Town allows the residential compound lots to use Finlandia as the access, that the private roads upgraded and to have everyone already using the road to sign on to an ownership and maintenance agreement. It was noted that this would require an agreement between everyone who is currently using the road.

Mr. Ward noted if the applicant would agree to the stipulations on the electric and access for lot 1 via Robin Hollow Road with no access to Finlandia, and that there be no further subdivision on lot 1, that he would be inclined to accept the application. Chairman Boyer noted that he would have to obstruct the driveway to prohibit anyone from going through it.

**Minor Residential Compound Subdivision: Preliminary Plan**  
**Request for Reinstatement of Plan and Extension of Approval**  
**"Bald Hill Residential Compound" – AP 28, Lots 21 & 22**

--off Plain Meeting House Road; 3 new lots proposed (plus 2 existing for a total of 5 lots)  
Owner/Applicant: Timeless Properties Inc. and Brian & Nancy McCoy

Ms. Paquet noted that she went out with the Public Works Department to check on the site and noted that it is pretty well stabilized.

Motion to extend the Bald Hill Residential Compound Preliminary Plan approval for one year based on the original approval with 19 conditions of approval, and that the remaining erosion controls shall be maintained in good condition, and that the site remain fully stabilized. Ward-O'Loughlin (5-0).

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**Major Residential Subdivision: Master Plan**  
**Request for Extension of Approval**

“Stonebridge Estates” – AP 33, Lot 1-1

--Plain Meeting House Road; 20 new lots proposed

Owner/Applicant: Universal Realty (Rudy Procaccianti)

Attorney Thomas J. Cronin approached the Board and noted that he was subbing for attorney John Brunero who is out of town tonight. Mr. Cronin noted that they are applying for the RIDEM approvals and it was noted that the approval has not expired yet.

Motion to grant a one-year extension of Master Plan approval for the Stonebridge Estates Major subdivision. Ward-Berry (5-0)

**Major Land Development Project- Preliminary Plan**

Conversion to multi-unit building with site improvements in Highway Business Zoning District

Description of uses: vehicle storage and repair, office and/or other commercial

--on New London Turnpike

Applicant/Owner: Nooseneck Hill Realty Management, LLC (Michael Durand, Principal)

Peter Suorsa, PLS of Coventry Survey approached the Board. Pat Walker, PE, and Mr. Durand were present. Shawn Martin, PE and Sean Arruda, PE were both present as consulting engineers for the Town from Fuss & O’Neill, Inc.

Mr. Suorsa passed out some copies of revised plan. He noted that they added snow storage areas, another handicapped parking space and more parking spaces on the rear side of the building, more detail on the leachfield, and changed the location of the trash receptacle in response to comments from the Town.

Mr. Suorsa explained that the proposed use of the building is for storage of vehicles and for Mr. Durand to work on vehicles on the westerly portion, and the easterly portion of the building may be divided in half across the back for perhaps a small office on the front side with storage of supplies, or perhaps a plumber or similar vocation will need a place to work out of. He noted that they had to add more parking spaces to consider the easterly portion as all office, though they don’t think that is going to be the case.

Mr. Durand explained that he owns Coventry Lumber and that they need a place to repair their vehicles, and that they usually work on one truck at a time, and that there would be one or two vehicles in the back of the building at a time. He noted that right now he has no plans for the other half of the building, and that he is looking for the approval to get the site prepared to get his vehicles in and out of there without traveling through mud in the winter months.

Chairman Boyer asked if there is any proposed signage. It was noted that as far as advertising the building there were thoughts of a very small sign that just had the building number.

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The Board went over each of the consulting engineer's comments and the responses from the applicant's professionals, and made a determination on each. Site Plan items 1, 2, 3, 4, 5, and 9 were adequately addressed. Items 6 and 7 are ok to have just pavement markings without signs. Item 8 the Fire Chief has to comment on. Comment 10 the applicant's professional will do an evaluation. Comment 11, the engineers will coordinate on. Comment 12 will be up to the Building Official. Drainage item 1 will be revised, items 2 and 4 the engineers will coordinate on, item 3 the TR-55 method will be used, item 5 try to maximize distance as possible, and item 6 the applicant's professional will do an evaluation. Landscape and Lighting response to comments items 1 through 6 are acceptable. It was noted also that the abutting residential property will have its own buffer.

**Motion** to approve the Preliminary Development Plans for the redevelopment of AP 1, Lot 10-2 with the following conditions:

1. That all outstanding items be addressed on the plan in accordance with the statements in the memo dated October 10, 2008 from Peter Suorsa, PLS CSC, Diane Soule, RLA, DCSA, and Pat Walker, PE, WEL to Jennifer Paquet, Town Planner, and that a revised plan be submitted for administrative review and approval.
2. That Final plan review and approval be administrative
3. That this approval is for the uses of vehicle maintenance as an accessory use to an off-site business, and the other half the building for office/storage use. Any change in use shall be reviewed by the Planning Board.

Ward-Regan (5-0). It was noted that the outstanding items are to be reviewed administratively.

**Major Commercial Land Development Project: Pre-Application Plan**

"S & G Landing" – AP 6, Lot 33-2

--off Nooseneck Hill Road (Route 3); 2 uses (Hotel and Self-storage) proposed for development  
Applicant/Owner: Green Land Co. (George Secchiaroli) and Buster Corp.

Mr. Pen Fang, PE approached the Board. Mr. George Secchiaroli and his business partner were present in the audience. Mr. Fang addressed each comment from Ms. Paquet's memo, and noted that they will be addressed for the Preliminary Plan. There was discussion on an opportunity for shared parking between the hotel and the storage building. It was noted that a signage and a lighting plan will be due for the Preliminary Plan. It was noted that this is a tough site and that when the applicant comes back with more information the Board will be able to find out what is doable and what is not doable. It was noted that drainage and traffic are going to be the issues, and that the Fire Chief may require the buildings be moved.

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**Development Plan Review- Pre-Application Plan / Request for Waiver of DPR**

“Rossi’s Auto Care” – AP 12, Lot 25 Highway Business Zoning District  
--On Nooseneck Hill Road (Route 3); demo existing, build larger building for auto repair use  
Applicant/Owner: 771 Nooseneck Road Realty Associates, LLC (Kenneth A. Rossi)

Chairman Boyer noted that Mr. Rossi approached him before the meeting asked to withdraw the waiver application and noted that he will submit revised plans that meet the requirements of a pre-application plan.

**Motion** to accept the withdrawal of the Waiver of Development Plan Review application. Ward-Regan (5-0)

**Advisory Recommendation to the Town Council: Request for Zoning Map Change**

From Residential to Highway Business; 389 Mishnock Road, AP 6, Lot 13-1  
Applicant: Thayden & Linda Waltonen

Chairman Boyer recused himself from this agenda item. Vice Chairman Ward led the meeting. Attorney John Pagliarini, Jr. approached the Board. Mr. Thayden Waltonen was present in the audience. Mr. Pagliarini explained the history of the applications on this site. He noted that RIDEM shut the applicant down for some violations which he is addressing. He noted that the Zoning Officer recently came out to the property and cited numerous alleged violations of the 1991 zone change decision. He noted that the Town Council will have a public hearing on the alleged violations, and since they are the body that put the original 1991 stipulations on the property, the Council can either enforce them or modify or waive them. He noted that the plan before the Board is to rezone a certain portion of the property that is residential and make it Highway Business.

Vice Chairman Ward asked if this proposed zoning boundary line is going to move. Mr. Pagliarini noted that the surveyor has made a definitive line with a landmark that won’t move. He noted that for the residential side they eventually want to put in a Town road for the residential dwelling and the commercial will have access and frontage at the end of the cul-de-sac.

Ms. Paquet asked Mr. Pagliarini to explain what the violations are. Mr. Pagliarini noted it was the width of the buildings and the number of buildings. Ms. Paquet asked if this has anything to do with the area that they are proposing to rezone and what this action is resolving. Mr. Pagliarini explained it is for the existing use of a mulch pile. Ms. Paquet asked if this was part of the original approval of the self-storage units. Mr. Pagliarini noted that he can’t answer that. Ms. Paquet asked what the proposed use is and pointed out that the application says ‘horticulture,’ and asked if they are going to be putting in any greenhouses. Mr. Pagliarini noted that for the portion that is being changed, it is horticultural for mulch and firewood that is there now. Ms. Paquet asked if this is an expansion of the use. Mr. Pagliarini noted it is legitimizing what is there. Ms. Paquet noted the application states ‘expansion of business use’ and asked if it

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is an expansion of what is there. It was noted that it means expanding the Highway Business district, not the use. Ms. Paquet asked if there is any proposed change to the existing use. Mr. Pagliarini noted that the existing use will remain and it will be the presentation to the Town Council. Ms. Paquet clarified if there is going to be any intensification of the existing use. Mr. Pagliarini stated no.

Mr. Lepak asked if the Board should put a restriction on the use to only 'horticulture.' Ms. Paquet noted that any change of use would have to come to the Board for review, and questioned if the original use ever came in for site plan review. There was discussion. Vice Chairman Ward noted that, even though the Board would recommend that it be limited to horticultural use, at this point in time the Board has no teeth. He noted that when the applicant comes back with the application to make the residential subdivision, the Board can put all sorts of buffer zones and stipulations.

**Motion** to recommend to the Town Council to expand the Highway Business zone to include the area as depicted on sheet 1 of the plan titled, "Proposed Zone Change Plan and Existing Conditions Plan dated September 11, 2008. Berry-Regan (5-0)

Chairman Boyer rejoined the Board.

**Motion** to adjourn. Ward- Regan (5-0). The meeting ended at 10:20 p.m.

**WEST GREENWICH**  
**November 17, 2008**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on November 17, 2008. Present were: Chairman Mark Boyer, Brad Ward, David Berry (7:05 p.m.), Tim Regan, and alternate Bill Bryan. Absent were Tom O'Loughlin and alternate William Lepak. Town Planner Jennifer Paquet was present. Town Solicitor Michael Ursillo, Esq. was present. Chairman Boyer called the meeting to order at 7:00 p.m.

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**Acceptance of Minutes (CA)**

Motion to approve the October 20, 2008 Regular Meeting. Ward- Regan (4-0)

**Minor Residential Compound Subdivision: Preliminary Plan follow-up**

“Baton Woods” – AP 20, Lots 10-1, 10-4, and 13

--Off Victory Highway; 3 lots proposed for compound, one existing homestead; and associated Administrative Subdivisions

Applicant/Owner: Harold Baton

- Revised Plan for roadway layout and buffer

Mr. David Duranleau of Ocean State Planners was present. Mr. Duranleau explained that he redesigned the road and relocated portions of the road to maximize the separation from the existing houses. The Board reviewed the plantings and noted that the grouping in the center needs to start out with larger plants to establish a buffer quicker. Chairman Boyer reminded Mr. Duranleau of the requirement for the geometry of the road easement on the record plan.

Mr. Berry arrived at 7:05 p.m.

Motion to accept the plan as amended with the condition that the center grouping of plants be larger in size, and that the boundaries for the road be reviewed administratively. Ward-Regan (5-0).

**Minor Residential Compound Subdivision: Pre-Application Plan , cont.**

“Finlandia Hollow” – AP 12, Lot 9

--off Robin Hollow Road; 2 new lots proposed for development, (plus one existing house)

Applicant/Owner: Paul St. Martin

- Discussion on status of Finlandia Boulevard and Stark Drive

Peter Suorsa, PLS with Coventry Survey was present. Mr. St. Martin's daughter was in the audience. In referring to the Planner's memo for this evening, it was noted that according to the Zoning Ordinance, frontage has to be on a public road, except for a Residential Compound. There was discussion on what to do. The Board considered trading the original lot access from Finlandia to the Robin Hollow Road driveway in return for the new lot to use Finlandia as its access. There was concern raised about setting precedent with allowing a new lot on a private road. The Board decided that due to the ordinance, they can't allow a lot on a private road, and that the two new lots have to come off of Robin Hollow Road, and the existing house can continue to use Finlandia. The applicant would have to apply for a variance from the Zoning Board to try to use Finlandia for a new lot.

**WEST GREENWICH**  
**November 17, 2008**  
**PLANNING BOARD MEETING**

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**Major Residential Subdivision: Pre-Application Plan**

“Leyden Farm” – AP 28, Lot 23-11

--on Plain Meeting House Road; 2 frontage lots proposed, (two existing dwelling units on property) Applicant/Owners: Brian J. Leyden and John P. Leyden

Mr. Michael McCormick, PLS with Alpha Associates approached the Board. Mr. Jack Leyden, and Mr. Brian Leyden were present in the audience.

Mr. McCormick explained the previous court ordered subdivision resulting in the lot configuration under proposed further subdivision now. He then explained cutting this lot into two lots, each a little over 10 acres, and each with an existing dwelling unit. There was discussion on if this is a Major or a Minor subdivision, and Ms. Paquet noted that she will check on this. Either way, the Board noted that since this is a simple split with two existing houses, that they have no problem proceeding to Preliminary. Chairman Boyer asked about the septic systems and the wetland. It was noted that the older house’s septic is from the 1980’s and the other house’s septic is from last year. It was noted that the wetlands were flagged recently for the court ordered subdivision. It was noted that there will be no need for Subdivision Suitability for the Preliminary plan requirements.

**Advisory Recommendation to the Town Council: Residential Compound Ordinance**

Ms. Paquet went over a few more changes prompted from a recent residential compound application to explicitly state in the ordinance that that the roadway easement has to be defined by metes and bounds and a class 1 survey, and that this easement needs to be subtracted out of the suitable land requirement. The Board accepted these changes.

Motion to advise the Town Council to approve the proposed amendments to the Residential Compound section of the Zoning Ordinance. Ward-Berry (5-0).

**Conservation Development**

Ms. Paquet noted that she has a memo almost ready for the Board of policy questions, and that it will be in the packets for next month.

**Advisory Recommendation to the Town Council: Mixed Use Village District**

It was noted that the Board will go over this at the December meeting also.

**REPORTS AND SPECIAL ITEMS**

Mr. Ward read correspondence received from Mr. and Mrs. Ed Overton for the record.

Ms. Paquet noted that the Plain Meeting House Road wetland application that the Board sent comments to RIDEM on was granted a Wetland Alteration Permit. Chairman Boyer asked Ms. Paquet to obtain a stamped copy of the actual approved plan, which could be different from the public comment copy, from the applicant for her file and the Building Official’s file.

**Motion** to adjourn. Ward- Bryan (5-0). The meeting ended at 7:52 p.m.

**WEST GREENWICH**  
**December 15, 2008**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on December 15, 2008. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Tom O'Loughlin, and alternate William Lepak. Absent were Brad Ward and alternate Bill Bryan.

Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present.

Chairman Boyer called the meeting to order at 7:10 p.m.

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**Acceptance of Minutes**

Motion to approve the November 17, 2008 Regular Meeting. Berry- Regan (3-0) with O'Loughlin and Lepak abstaining.

**Minor Residential Subdivision: Request for Extension of Approval**

"Pine Estate": AP 53, Lot 6-1

--Off Hopkins Hill Road; 5 new lots with Road creation; Preliminary Plan approved January 22, 2007; Owner/Applicant: William Pine

Mr. Bill Pine and Mr. Michael McCormick, PLS from Alpha Associates were present. The Board held discussion on the status of the subdivision. Chairman Boyer asked when the wetlands permit expires. Mr. McCormick noted it is still good for another two years. Mrs. Letendre noted that the Board can extend approvals for as long as they like as long they see cause.

Motion to grant a one-year extension for the Pine Estate Minor Residential Subdivision of AP 53, Lot 6-1 based on the finding that the subdivision has been fully engineered. Berry- Regan (5-0).

**Commercial Office Building: Pre-Application, revised.**

"West Greenwich Office Building" – AP 6, Lot 35

--on Nooseneck Hill Road; Zoned: HB;

New proposed building with 3 office units; existing dwelling to be razed

Applicant/Owners: William Miller

Mr. Bill Miller, Mr. Ed McGovern, and Attorney John A. Pagliarini, Jr. approached the Board. Mr. Pagliarini noted that the plans have been changed to meet the current requirements and presented a revised plan to the Board. Chairman Boyer noted that the new checklist requirements have to be met. Chairman Boyer informed the potential buyer, Mr. McGovern, that if the lower level use changes from storage, that the parking requirements can't be met and the plan will need to come back before the Board for further review by the Town. There was discussion on the need for engineering review by the Town. Ms. Paquet explained the changes on the plan for the Board. It was noted that the Town's consulting engineer will need to review the plans. It was noted that the proposed sign location needs to be shown on the plan.

**WEST GREENWICH**  
**December 15, 2008**  
**PLANNING BOARD MEETING**

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**Development Plan - Preliminary Site Plan**  
**Metro PCS antenna array and cabinets to existing tower**  
AP 6, Lot 31-1; 101 Nooseneck Hill Road at Congress Inn

Attorney Joseph Giammarco, of Prince, Lobel, Glovsky, and Tye, LLP representing the lessee Metro PCS, approached the Board. Mr. Giammarco explained the proposed antenna and equipment cabinets. There was discussion on the Town enforcing the conditions of the previous approval. Mr. Giammarco understood that enforcement of the conditions may delay this approval. There was discussion on whether to approve with conditions tonight, or to wait to see if the town owner complies, then grant the approval. Mr. Giammarco noted he was sure that Crown Castle would be receiving a phone call tomorrow about this. It was decided that the Building Official is to be notified that no building permit is to be issued until after the 1996 agreement has been met. It was noted that the Town's antennas need to be installed prior to the Metro PCS antenna.

**Motion** to approve the application of Metro PCS Massachusetts, LLC for development plans for the addition of a 6-panel antenna to an existing tower, and associated 4 equipment cabinets within the pad lease area at AP 6, Lot 31-1 (101 Nooseneck Hill Road), site owned by Congress Hospitality, Inc., tower owner Crown Castle, with the following conditions:

1. That the existing lattice tower is structurally able to hold an additional antenna, in addition to local public safety equipment.
2. The applicant shall submit the structural analysis to the Town
3. the tower owner shall comply with the 1996 approvals to allow the Town to install public safety equipment on the tower at no cost to the Town, including no structural analysis by the Town, or any other expenses.
4. The Town will submit its antenna requirements, which shall be installed prior to Metro PCS obtaining a Building Permit.

This motion is based on the following findings of fact:

1. The proposed plan meets the general criteria and standards for both Development Plan Review and Communications Facilities in the Zoning Ordinance.
2. Co-location of new antenna arrays on an existing tower is encouraged by the Zoning Ordinance.
3. The tower was approved in 1996 with certain conditions of approval, including but not limited to, "that the Town of West Greenwich be allowed to place an antenna on the tower for an unlimited period of time at no charge and that the antenna be installed by the petitioner."

Berry-Regan (5-0).

**PLANNING PROJECTS**

**Conservation Development**

The Board went over the Town Planner's memo of policy questions for Conservation Development. On the issue of whether conservation development should be optional or mandatory, the Board noted that they want the discretion to say, on a case by case basis, if conservation development will be required or if it would not be allowed.

Chairman Boyer noted that there should also be a minimum lot width at the front-yard setback as a dimensional requirement. There was discussion on setbacks for accessory structures and it was noted that with smaller lots, the location of accessory structures makes a difference. It was decided that the yield plan needs to be based on the wetlands being verified by RIDEM. It was decided that no density bonuses will be included. It was noted that the Board will need to go over each individual use to determine what is appropriate for the lots and what is appropriate for the open space. It was decided that two-family homes would not be allowed in a conservation development.

The Board then went over the Subdivision and Land Development policy questions. It was noted that wetland crossings would be considered to not be granted, unless the applicant can demonstrate that the crossing would be approved by RIDEM. It was noted that the open space ownership would be on a case by case basis. It was decided to not have the stormwater ponds on private lots, but that it also could not count towards the minimum open space land requirement.

It was decided that underground utilities would be required in all conservation development projects, that wells and septic systems must be on the private lot, and that no community wells or septic systems would be allowed. It was decided to incorporate Low Impact Development stormwater practices, and to encourage 'green' practices. The Board will require that there is a maximum number of homes in each cluster within a conservation development, but they did not decide on an actual number tonight. The Board decided to keep the building envelopes flexible.

There was discussion on whether the roads should be public or private. Mr. Lepak questioned why the Town would want the roads, and suggested that they be private. The consensus of the Board was that the roads be public.

The Board would like to encourage that the open space be spread throughout the development, but it will depend on each development. The Board decided that there would be no transfer of development rights, nor any lot size averaging.

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**December 15, 2008**  
**PLANNING BOARD MEETING**

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**REPORTS AND SPECIAL ITEMS**

**2009 Planning Board Meeting Schedule**

Propose 3<sup>rd</sup> Monday of each month, when Holiday, the Monday before.

The Board decided to move up the December meeting so that it is not so close to the holiday.

Motion to accept the 2009 schedule as amended. O'Loughlin-Regan (5-0).

**COMMENTS BY BOARD MEMBERS**

The Board discussed consulting engineering review for the Town. Chairman Boyer noted that he and Mr. Regan have been soliciting qualification statements from local engineers. Mrs. Letendre noted that the Board does not have to advertise for requests for qualifications statements, and that there should be a list of general standards of qualifications for the Board to use for evaluation. It was decided to have a selection committee of the Town Planner, Mr. Regan, and Chairman Boyer.

Motion to adjourn. Berry-Regan (5-0). The meeting ended at 9:12 p.m.