

## **WEST GREENWICH**

**January 12, 2009**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on January 12, 2009. Present were: Vice Chairman Brad Ward, David Berry, Tim Regan, Tom O'Loughlin, and alternate Bill Bryan. Absent were Chairman Mark Boyer and alternate William Lepak. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present. Mr. Dan Cotta, PE from American Engineering was present as consulting engineer for the Town.

Mr. Ward called the meeting to order at 7:10 p.m.

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### **CONSENT AGENDA**

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

December 15, 2008 Regular Meeting

#### **Development Plan (CA)**

Metro PCS antenna array and cabinets to existing tower  
AP 49, Lot 4-6; 25 Arnold Farm Road  
Preliminary Site Plan

#### **Development Plan (CA)**

Metro PCS antenna array and cabinets to existing tower  
AP 50, Lot 3; 830 Nooseneck Hill Road  
Preliminary Site Plan

Motion to approve the consent agenda. Bryan-Regan (5-0)

### **Major Residential Subdivision: Combined Master and Preliminary Plan Public Hearing**

“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

Motion to open the public hearing. Berry-Bryan (5-0). Mr. Harry Miller, PLS from Alpha Associates approached the Board. Mr. Miller noted that the pre-application meeting was in November, and described the proposed subdivision. Mr. Miller noted that they do not want to change the appearance of the farm, and that the existing driveway will continue to be a shared driveway. Mrs. Letendre noted that an easement document will be needed for the shared driveway for the final application, both to be shown on the plan and as a separate recorded document.

There were no comments from the public. It was noted that the final plan may be approved administratively. Mr. Berry asked if the Fire Chief needed any cistern. It was noted that there are two existing homes and nothing is changing. Motion to close the public hearing. Regan-Berry (5-0).

Motion to approve the proposed Major subdivision entitled, “Leyden Farm,” for AP 28, Lot 23-11, dated August, 2007, revised through 11/03/08, prepared for Brian & John Leyden, prepared by Alpha Associates, and that the Open Space and Recreation fee is waived based on two existing homes. The Final plan may be reviewed administratively by the Town Planner. At the time of final application, the easement description be prepared with the plan for recording for the shared driveway. This approval is based on the 7 findings of fact. Berry- Bryan (5-0)

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**Commercial Development Plan: Preliminary**

“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

Attorney John Pagliarini, representing the applicant, approached the Board.

Mr. Dan Cotta, PE from American Engineering was present as consulting engineer for the Town.

Mr. Pagliarini noted that they have received comments from the Town’s consulting engineer, and that they have responded to those comments. Mr. Ward asked Mr. Cotta if there are any outstanding issues that the Board should be aware of. Mr. Cotta noted that they have either been addressed, or they will be addressed with the Final application. Mr. Cotta noted that there is nothing outstanding as far as the drainage, and noted that he did not receive a copy of the septic, but that RIDEM reviewed it and that the application shows there is plenty of capacity based on number of people. He noted that the drainage design is conservative and that they are maintaining 100% of the drainage on site.

Mr. Cotta noted that there were some issues that are for the Board’s discretion. There was discussion on the 3 foot landscaping strip. It was decided that the curbing to hold in the landscaping in is a Cape Cod berm and is part of the 4 foot strip. There was discussion on the height of the berm and if it is enough to actually hold in the landscaping versus a concrete curb. There was discussion on if it will be monolithic with the binder or put on after. It was decided that it needs to be integral with the asphalt binder. It was noted that there will also be curb stops for the parking spaces. Mr. Bryan noted that the landscaping should be low-maintenance landscaping, that doesn’t require a lot of irrigation so it doesn’t affect the use of potable water.

There was discussion on the door to the lower level opening out into the traffic lane without a sidewalk. It was noted that this would be a storage area and not for customer use. It was noted that the door has to open out. Mr. Miller noted he could put in an alcove to recess the door. It was decided that the alcove would be required.

There was discussion on the steep area behind the building. It was noted that the Town does not have a standard on commercial driveways.

Mr. Bryan pointed out that the details sheet page 9 shows a concrete curb for the landscaping and noted that if the intent is to have a Cape Cod berm that this detail sheet needs to be updated.

It was noted that the detail sheet needs specific site signage, and has to comply with the zoning requirements. There was discussion on lighting. It was noted any lighting shall not wash off-site.

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Motion to approve the Preliminary Plan for the West Greenwich Office Building at AP 6, Lot 35 on Nooseneck Hill Road with the following conditions:

1. The applicant shall address any outstanding engineering issues to the satisfaction of the Town's consulting engineer.
2. the berm for the landscaping shall be integral with the binder or top coat of asphalt
3. sheet 9 shall be amended to indicate the appropriate construction methods
4. that the site lighting shall not wash off the site
5. that the doors to the lower level shall swing out and shall be recessed so that they don't swing out into the parking lot or lane of travel
6. that the signage be designed and installed in accordance with the zoning regulations, and sheet 9 shall be so amended
7. the final application may be handled administratively by the Town Planner

This motion is based on the following findings of fact:

1. That the proposed development is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
2. That there will be no known significant negative environmental impacts from the proposed development as shown on the preliminary plan, with all required conditions for approval;
3. That the design and location of building, utilities, and other improvements in the proposed development plan shall minimize flooding and soil erosion.

Berry-Regan (5-0)

### **Conservation Development**

Miss Paquet noted that a draft ordinance will be ready for next month.

Motion to adjourn. Berry-Regan (5-0). The meeting ended at 7:50 p.m.

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**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on February 9, 2009. Present were: Chairman Mark Boyer, Brad Ward, David Berry, Tim Regan, and Tom O'Loughlin. Absent were and alternates William Lepak and Bill Bryan. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:03 p.m.

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**Acceptance of Minutes (Consent Agenda)**

January 12, 2009 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (4-0) w/ Boyer abstaining.

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

“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

Mr. John Rockwell, from Coventry Survey and Mr. Paul St. Martin, owner, approached the Board. Mr. St. Martin noted that he would like to get the first phase complete, which is his house. He noted he is asking advice on the entryway to the development from Robin Hollow, and noted that 5 years ago he put in a 16 foot wide entrance with a culvert. He noted that the requirements call for a 20 foot wide paved entryway, and asked to have it waived. He noted that also since it is wintertime, he is not able to improve the road or make the enhancement to the entry way because it is winter, and noted he would not be able to move forward until he did that.

Mr. Rockwell noted that they received RIDEM Subdivision Suitability today and handed the approval letter and stamped plan to Ms. Paquet.

There was discussion on parcel 3 being phase one, and parcels 1 and 2 as phase 2. It was noted that the access to the existing house would go back to Finlandia Boulevard. It was noted that the new lots would come off of Robin Hollow Road. There was discussion on the 20 foot wide entryway. The Board decided to pose the question to both the Fire Chief and the consulting engineer and to let them determine whether the existing entrance needs to be widened.

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

Miss Paquet gave a description of the proposed project and what has transpired with the application to this point. She also noted that Mr. St. Martin would like to proceed in phases, but that this is not shown on the plan. She explained that she has prepared a memo explaining this and added a few condition of approval to facilitate it.

Joe Johnson, 13 Stark Drive, asked what constitutes a subdivision, and why the applicant can't just deed out the lots. Chairman Boyer explained that the State law requires subdivisions to be reviewed by the Planning Board and that the up until 1995 you could just record a deed and sell property, but that is no longer the case. He explained that a subdivision is when you cut one lot into two or more lots. Mr. Johnson asked why the applicant is required to have 10 acres.

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Chairman Boyer explained that he is not required to have 10 acres, and described the Residential Compound provision, and noted that the applicant chose to have a 10 acre lot. He noted that phase two will be limited to just the two lots.

Judith Anderson, 64 Robin Hollow Road, noted that one of the houses will be right behind her and expressed concern of water. She noted that she has lived there over 30 years and that they have never had any water at all. She noted that when the lot next door to her was developed, she started having more and more water problems in her basement, and asked who she should speak to about her predicament. She noted that she is at the bottom of the hill and asked if they are going to be cutting down more trees. Chairman Boyer explained that there are things that the Board implemented where they can make the applicant contain the roof runoff. He noted that the Board can require a no-cut buffer, and submit a plan to the Building Inspector before they get a foundation permit to show how they are going to mitigate the runoff onto her property. It was clarified that this is water in the basement and that she does not have a sump pump, but that supposedly there are French drains. Mr. Ward noted that all the Board can do is make sure there is no net increase in runoff. The Board noted that she would need to hire a Professional Engineer to assess her wet basement situation and make a recommendation.

Ms. Paquet pointed out that one of the concerns that the consulting engineer noted is the Rainbow soils and the high water table, and she pointed out that from looking at the soil evaluation, the water tables are 18 inches and 24 inches. She noted that there is a caution about these two new lots in the memo about wet basements, if they are going to have basements.

Michael Sansone, 74 Robin Hollow Road, asked what the requirement for the amount of trees around the road or the driveway and noted his concern is cars driving down the driveway and privacy and scaring off wildlife. He asked what the buffer zone is and where the house can go. Chairman Boyer noted that the sideline setback is 25 feet. He asked if headlights are the issue, and asked Mr. Sansone to point out on the map where the concern is. There was discussion on sweeping out the driveway instead of a 90 degree turn to make it less sharp at the corner to divert the impact of headlights. It was noted that this would require more easement area.

Shawn Harrington, 80 Robin Hollow Road, wanted to know how close the house could be to his house. Chairman Boyer noted the house can't be built within the shaded area of the right-of-way easement, and that there is a 25 foot building setback line.

Mr. Ward noted that the water tables are extremely high in this area, and that any drains could adversely affect the people down below. He noted that there is going to be a stipulation that requires a net-zero runoff increase, and there will have to be engineering to ensure that it is accurate to maintain the net zero increase.

Chairman Boyer pointed out that the new regulations have topographic mapping standards, and that the Photogrammetrist needs to have a stamped plan and provide the Certificate of Authorization to Practice in the State of RI.

Mr. Johnson asked about the cistern easement. The Board explained that it is an easement for a cistern for fire suppression.

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**Motion** to close the public hearing. Ward- O'Loughlin (5-0).

Ms. Paquet passed out an updated memo addressing the issues discussed tonight and suggested additional conditions of approval, and went over them for the Board.

There was discussion on the 16 versus the 20 foot entrance width, and it was recalled that the Fire Chief and consulting engineer are to determine this. The Board recapped other conditions for approval that were discussed as they drafted changes to the draft motion. The Board then went over the 4 points from the Planner's memo that needed discussion. There was discussion on the existing driveway easement and it was noted that the lot would retain the rights it has in terms of the existing easement, and will not be included in the homeowner's association. It was noted that final review for the phase 1 can be administrative, and phase 2 will come back to the Board for further review.

**Motion** to approve the Preliminary Plan for the Finlandia Hollow Residential Compound on AP 12, Lot 9, plans dated January 8, 2009, prepared by Coventry Survey Co., Inc., prepared for Paul St. Martin, 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 two new 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 (both Phase one and Phase 2) Final Review, and include all necessary notations on the record plan. Phase 1 Final review may proceed administratively.
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 (it is shared responsibility).
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. Final review of Phase 2 shall be by the Planning Board.
8. proper erosion controls shall be used during all stages of construction, including house construction.
9. the Project Review Fee account shall be replenished by the applicant as needed, when requested by the Town.
10. that the applicant pay the Fire Suppression Fee, if required by the Fire Chief, and that the fire Chief evaluate the need to install a cistern.
11. that each lot is required to have a site plan for review by the town prior to the issuance of a building permit and that the cost for the Town to have the plans reviewed by an engineer shall be reimbursed prior to the issuance of a CO, in order to ensure that there will be no surface water runoff problems to the abutters. The lots must maintain a zero net increase in runoff, as certified by a Professional Engineer.
12. that the Residential Compound road has to brought to Town standards and that this must be shown on the revised Preliminary plan

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13. that Proposed lot 3 with the existing house may be approved as Phase one for recording with final administrative approval, and that phase 2 shall have a restriction and notation on the phase one record plan that phase 2 shall not be developed until after the residential compound improvements have been completed and approved by the Town Planning Board, within the one-year approval vesting period, in accordance with this approved Preliminary Plan. No building permit shall be obtained on Phase 2 until such improvements have been approved, even in the event that only one of the proposed lots is developed.
14. that Phase 2 shall be limited to two lots only
15. that a Photogrammetrist with a Rhode Island Certificate of Authorization to Practice provide a stamped copy of the topography and documentation required by the regulations.
16. that a Professional Engineer certify that any basement installations will not adversely affected by high water table and that any mitigation process implemented for the high water will not adversely impact any abutters, and shall adhere to the net zero runoff.
17. that the revised plans show the driveway re-alignment to soften any headlight impact to the abutters
18. the plan shall show a no-cut zone in the area of the driveway re-alignment
19. the width of the entrance shall be reviewed by the Fire Chief and the consulting engineer regarding the existing 16 feet versus the required 20 feet before a decision is rendered

This approval is based on the 7 findings of fact in the draft motion. Ward-Berry (5-0).

**Development Plan: Pre-application**

“BMX Track”- AP 49, Lot 1

--off Barnett Lane; dirt bicycle track proposed at Dan’s Pizza site

Applicant: Woodland BMX ; Owner: DCH 1 Realty Holdings, LLC

Roy Ring from Woodland BMX approached the Board. Mr. Dan Hebert (DCH1) was in the audience. Mr. Ring explained that the proposal is for bringing in dirt for pedal bikes for kids. He explained that they had a track in RI a few years ago in Smithfield that closed to develop condominiums. He noted that they have been searching for two years. He noted that he has been working with Dan who volunteered his property and noted that they are a non-profit. He noted that there would be kids from Smithfield to Massachusetts to Connecticut. He noted they drive to Cape Cod for his 8-year old to ride. He noted that they race just on Saturdays, from 2 p.m. and it is over by 7 p.m. He noted that there is practice one night during the week. Chairman Boyer asked how many people are anticipated for the races. Mr. Ring noted that they are hoping for 100 kids, and noted that when they go to Cape Cod there are about 50 to 60 kids. He went over how the races go. He noted that lighting is not feasible at this time due to the cost.

Chairman Boyer noted his concern is the parking and that it has to be addressed properly, and make sure they don’t park up and down Barnett Lane unless there are arrangements for it. Mr. Ward noted that it falls in line with what the Town has been encouraging, and referenced the soccer fields and the new track at the school. Mr. Berry noted that this is a good spot for this, with highway access. Another gentleman from the BMX group that was present explained that it

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is typically 100 riders, but they are actually families, so there might be a car or van with 6 or 7 people in it. He noted the age range is from 5 years old to 65 racing. He noted he has friends in their 50's that race, and bring their kids, and their wives also race. He noted it is a family sport. Chairman Boyer noted they will have to address the parking for worst case scenario for the largest amount of cars that will be there so the Board can make sure it can be handled. He noted that no matter what, parking and traffic are going to be the two biggest issues.

The Board referred to the memo from the Town Planner. It was noted that the stormwater has to be dealt with, and erosion controls and landscaping buffer and site stabilization. It was noted that the signs would only face inward on a chain link fence. Mr. Ward noted that he wants to make sure the port-a-potties are in compliance with the State regulations regarding the proximity to the public well.

There was discussion on a concession stand. Mr. Ring noted that at first it will just be pick foods like chips and soda, bottles of water and candy bars. He noted that hopefully as it grows they could do pizza. He noted they would have barrels on site to handle the trash and then dump them into Dan's dumpster.

Mr. Ring noted that the season starts in April through October, every Saturday. It was noted that during the weekdays it is just practice runs. He noted that spectators bring their own seating and sit along the fence. He noted that hopefully in a few years they could get a set of bleachers. It was noted that the chain link fence will be see-through, with no vinyl slats. The applicant noted that the purpose of the fence is to protect the track.

There was further discussion. The Board noted that they need to address the comments in the memo, and come back before the Board, including the outline of what the race track is going to be, address how they are going to handle the stormwater, address how they are going to mitigate any impacts, and details on the type of fencing, a landscape buffer, parking lot materials, all prepared by a PE. Chairman Boyer noted that they have to address these so that they don't violate any wetlands on the property.

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**Conservation Development**

-- review proposed draft ordinance (under development)

Ms. Paquet explained that this is Part 1 to give the authorization in the Zoning Ordinance to have Conservation Development. She explained that the details about the design criteria are in the Land Development and Subdivision Regulation amendments, which will be Part 2. The Board asked to have the rough draft for the Subdivision Regulations sent to them too, and asked to have this continued to the March meeting, and a possible workshop.

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Chairman Boyer would like to register for the Land and Water Summit.

Chairman Boyer discussed the topographic mapping standards and explained that anyone preparing a topographic map by aerial has to be certified by ASPRS, and it falls under Engineering and Surveying so they have to be working under a company that has to have a Certificate of Authorization to Practice in the State of RI. It was noted that they have to have a stamp and a number to be certified. It was noted that there are only 3 Certified Photogrammetrist in the State of RI. Chairman Boyer noted that this falls under surveying and engineering and that they have to be associated with either a Surveying or an Engineering firm, and if any one argues this that they can get a statement in writing from the Board of Design Professionals.

**Motion** to adjourn. Ward-Berry (5-0). The meeting ended at 8:28 p.m.

**WEST GREENWICH**  
**March 16, 2009**  
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A regular meeting of the West Greenwich Planning Board was held on March 16, 2009. Present were: Chairman Mark Boyer, Brad Ward, Tim Regan, David Berry (7:03 p.m.), and alternates William Lepak and Bill Bryan (7:08 p.m.). Tom O'Loughlin was absent.

Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo, Esq. were present. Chairman Boyer called the meeting to order at 7:02 p.m.

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**Acceptance of Minutes (Consent Agenda)**

February 9, 2009 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (3-0), with Mr. Lepak abstaining. Mr. Berry arrived at 7:03 p.m.

**Amendment to Comprehensive Plan Future Land Use Map Public Hearing**  
**and Advisory Opinion to Town Council on Comprehensive Plan Amendment**

In conjunction with request to amend the Zoning Map for AP 1 Lots 13 & 15

--from Senior Residential District to Highway Business

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

Motion to open the public hearing. Ward-Regan (4-0)

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

Attorney Nat Nazareth, representing the Lepres, approached the Board. Mr. Nazareth explained that the parcel had been zoned Highway Business since 1969, and that the Lepres have owned the property since 1958. He noted that the land had stayed that way until a purchase and sales agreement was signed in September 21, 2007. He noted that the purchase and sales never went through. He noted that the Lepre property was part of the highway district originally, and that they are asking that it not change, but just revert back to what it was. He noted that this is consistent with Goal 5 of the economic comprehensive plan, to promote business development. He noted again that the Lepres are looking for the whole thing to go back to the way it was.

Mr. Ward noted that the board has heard that this is the case, and that the Board is familiar with the circumstance.

Chairman Boyer opened the meeting to public comment.

Steve Miller, 18 Carrs Pond Road, noted that he sent a letter. Chairman Boyer noted that the Board has received it. Mr. Miller noted he wants to point out a few things from his letter. He stated that this *is* a change, because it is now Senior Residential, and that it became that way because we all agreed upon six points, and that by taking one away, you've destroyed the whole format, and that it is like pulling the rug out from underneath us. He stated that you now open up curb cuts along Division Street, possible water issues, land pollution, light pollution, the buffer zone which we all had counted on, and by changing it back, you are doing everyone else a huge injustice.

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Mr. Miller asked, "How did this happen in the first place?" He stated that we all knew what we wanted, how come it didn't happen. He noted they counted on that property being purchased, and asked why it didn't end up in the official regulations. Chairman Boyer noted that the Board can't control whether the purchase and sales is executed, and that is why we are here. Mr. Miller noted that it was part of the Town's zoning change, that this would happen before the zoning change took place, and the zoning change should not have gone through without this. He noted that they all agreed upon this and it is in the minutes, and everybody heard it and everybody understood it, so what when wrong. He asked if there is recourse in an errors and omissions policy. Solicitor Ursillo noted that no error and no omission occurred. He noted that a land sale did not go through, and as a result of that fact, the land owner is back before this Board asking to go back to what they've been since 1969. He noted that no town board can mandate for people to sell or not sell their land. Mr. Miller noted that his point is that they agreed that the zone change would not take place until that property changed hands. Solicitor Ursillo noted that that was never part of the record of the proceedings before this Planning Board or the Town Council. He noted that never was there a condition of approval of the zone change. He noted that he has reviewed the decisions of both the Planning Board and the Town Council, and that never in that decision is there a condition of approval that states that the zone change is conditioned upon the sale of property.

Mr. Bryan arrived at 7:08 p.m.

Mr. Ward noted he doesn't know who they would pursue with respect to an errors and omissions policy. Solicitor Ursillo pointed out that the procedure if there is a resident or residents who are not happy with the changes when the Town takes action on zoning or comprehensive plan matters, you have the right to appeal that to Superior Court. He noted it is not a question of having an errors and omissions policy, it is a right to exercise an appeal.

Mr. Miller noted that Mr. Pagliarini and Mr. Cambio stated that it will take place, and it is part of what they all agreed on, and to change it now is a huge injustice. He noted that he doesn't think the process would have been changed to Senior Residential had not all of the pieces fallen into place, and to take one out changes the entire aspect of this.

Ray Dauplaise, 12 Carrs Pond Road, noted he lives almost directly across the street from the Lepres' property. Mr. Dauplaise noted he and his wife had also addressed a letter to the Town Council. Chairman Boyer noted that the Board has a copy. Mr. Dauplaise pointed out a few things. He noted that he took the approach of addressing the advisory opinion of October 24<sup>th</sup> where the Board recommended that the Town Council approve the request. He noted that paragraph 4 states that it was important to keep some of the land zoned highway business due to the proximity to highway access and public water. Mr. Dauplaise noted that he does not see how this comment has any bearing on this request, and noted that the Cedar Ridge development already had six acres zoned as highway business, encompassing all of the property's frontage on New London Turnpike. He noted that the subject lots are on a side street off of New London Turnpike, and they can't be seen from the highway or from New London Turnpike, and they are isolated. He noted that paragraph 5 states that the proposed zone change is consistent with the Comprehensive Plan specifically economic goal #5 to enhance, strengthen, and promote existing highway business districts. Mr. Dauplaise noted that he does not see how these properties can

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contribute to this goal. He noted that they are isolated from the business district since they are on the side street, and they are separated from the commercial property by residential property, and required buffer zones along Division Road. He noted that they are in the middle of a residential area, not a business district anymore. Mr. Dauplaise noted that in paragraph 6b, it states that the zone change will be consistent with one of the purposes of the Zoning Ordinance, specifically to provide for orderly growth and development. He noted that there is a buffer zone to the west of the property extending to the Williams property and that there is a buffer zone to the east extending to the Town line, and there is only residential property across the street from the property. He stated that changing the zoning back to highway business would do the exact opposite of the stated goal, it would not be orderly, and it would create a commercial island in a residential neighborhood. Mr. Dauplaise noted this his wife and he believe that changing the zoning can only have negative impacts on the area because it will destroy existing housing stock in a residential neighborhood, will adversely impact the financial values of the homes in the area, will create an isolated business property, and will adversely affect the quality of life. He noted that his biggest fear is that this property will revert back to commercial property and that Mr. Cambio will attempt to purchase it, and exit his existing property and bypass the prohibition against curb cuts on Division Road. He noted that the Lepres have incurred a loss at the hands of the developer, but that the redress should not come from the Town at the expense of the neighbors. He noted that he thinks they should seek restitution from the developer through the legal system. He urged the Board not to approve the application.

Mr. Ward pointed out that the land is bordered by Highway Business to the rear and to the side. Mr. Dauplaise noted that there is a buffer zone to the west. Chairman Boyer noted that if Mr. Cambio purchased the property it would have to come back before the Board before he could get any access to his project along Division Road.

Paul Kaltschnee, 81 Carrs Pond Road, stated that throughout all the hearings it was a material fact that there was a verbal agreement between the Town and the developer who represented this Lepre property as being part of the development. He read the following excerpts into the record from the minutes of March 17, 2008 meeting:

*First page, last paragraph, last sentence:*

“...He (Mr. Pagliarini) 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.

*Second page, first paragraph, first sentence:*

“Mr. Pagliarini noted that they are proposing new construction of 126 units plus the two Lepre properties for a total of 128 total units. ...”

*Second page, fourth paragraph, first two sentences:*

“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. ...”

*Second page, seventh paragraph, first four sentences:*

“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

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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. ...”

*Third page, fifth paragraph:*

“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.”

*Third page, seventh paragraph:*

“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.”

Mr. Kaltschnee noted that he thinks this is a verbal agreement with the Town, and that if the Town is to allow a reversal of the Lepre property at Lots 13 & 15, that the entire application for zoning amendment and zone change of Lots 10-1 and 10-3 approved on March 19<sup>th</sup> should be reopened and reversed, as well.

Roger Martin, Carrs Pond Road, noted that he fully agrees with all the other speakers. He noted that as the [Senior Residential] project developed, the two Lepre properties were very important to this project, and that the reason why the residents went along with it was because they were going to stay residential and be part of that development. He noted that reverting back to Highway Business would be a big detriment to the community and it opens the door to all kinds of commercial development right at the end of the street and that nobody wants to see that.

Mr. Berry noted that he thinks the Lepres got the rug pulled out under them, and noted that this was an instrumental piece of the buffer. He noted that by reverting this parcel back to Highway Business opens up the opportunity for Highway Business to creep up Division Street towards Carrs Pond Road. He expressed that he thinks it does need to be changed out of the Senior Residential District, but that it would be more appropriately zoned as a residential type district, which would also prevent the spread of commercial towards Carrs Pond Road.

Mr. Lepak asked what the current use of the land is. Mr. Nazareth noted it is two single family houses, and that one of the houses has an apartment. Mr. Lepak asked what the long-term plans are if it does get converted over to Highway Business. Mr. Lepre noted that they are the same plans as they’ve been since 1969. It was noted that there are no commercial development plans. Mr. Lepak suggested a compromise of drawing the buffer setback from the residential master plan to continue to through the Lepre property, and that this 75 foot portion to Division Street be kept in the Senior Residential District, and then rezone the rear portion of the lot to Highway Business. He noted that any future highway business would probably have to take the houses down, and that any businesses would have to locate deeper into the lot. He noted then the Planning Board can require landscaping plans and designs that could minimize any visual impact.

Mr. Ward expressed concerns with a split zone on a lot of this small size. There was discussion on split zones. Chairman Boyer reminded everyone that this is not about a discussion on a zone

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change, but about the Comprehensive Plan Future Land Use Map, which is the application before the Board.

Mr. Berry asked if the zoning and the Comprehensive Plan are one in the same. Solicitor Ursillo explained that this is a Comprehensive Plan change on the Future Land Use Map, and that the Board has already given the Town Council, in a prior opinion, that the Board is in favor of a zone change. He explained that now the issue is the Comprehensive Plan change.

Mr. Ward discussed that the conditions about no access to Division Street and no commercial were all providing that this parcel was part of Mr. Cambio's project, and pointed out that it is no longer part of that project. He noted that as far as a buffer zone, he agrees that Mr. Cambio owes a buffer zone on the easterly side of the Lepres' parcel, to buffer the increased housing for the Senior Residential District. He noted that, as far as the Lepres' parcel, it was Highway Business, and has been Highway Business since 1969, and noted that the Comprehensive Plan encourages highway business on that area, and noted Goal #5 of Element 6.

Ray Dauplaise, asked how the Board can change the zoning on a piece of property if the Land Use Map shows it as a different kind of zone. Solicitor Ursillo pointed out that it has not been changed and that all that has happened is that this Board has sent an advisory opinion to the Town Council. He noted that only the Town Council can change the zoning. He noted that the Town Council has not acted on the zone change. Mr. Dauplaise asked why this is back before the Planning Board. Solicitor Ursillo explained that there is an argument that this is not necessary, but that there are those who feel the Comprehensive Plan Land Use Map should be changed, and that is why the Planning Board is considering this prior to it going back to the Town Council in April. Mr. Dauplaise noted that, as a resident in the area, his argument is not affected by the legal reason why we are here, and pointed out that once you change the Comprehensive Plan, then you can change the zoning. He noted that it doesn't make his argument any different. He noted that the residents feel bad about what has happened to the Lepres, but unfortunately the residents feel like they are going to end up paying for it.

Paul Kaltschnee, clarified that his prior statements still stand with regard to the Comprehensive Plan change as it does for the zone change.

Roger Martin, stated that it is true that in 1958 it was zoned highway business, but that was a long time ago, and since then, that area has developed more residential than it has commercial. He noted that it is still basically residential that is going in there. He noted that to put it back to Highway Business and promote commercial growth there is not consistent with anything that has been built in that area, and noted that it is residential now. He noted that it is surrounded by residential and to put any kind of commercial which would promote hotels or restaurants wouldn't be a good fit for that area. He noted that things have happened in the last couple of years where it needs to stay residential, more than anything else. He noted that to put an island of Highway Business there doesn't make any sense.

Mr. Bryan expressed that he agrees with the sentiments of everyone in the room that this is a very unfortunate situation that everyone has been put in, due to no fault of anyone in this room. Mr. Bryan noted that he has read the record and understands the motions and the specific

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language that was in the motions that were approved. He asked Solicitor Ursillo, "In terms of the record, and the documentation, and representations that were made by Mr. Cambio and his representatives through the process, to what extent are those records not supplementary to and supportive of our motions, our expectations?" Solicitor Ursillo explained that what the Courts have said is that unless conditions make it into the actual motion, things that are represented by individuals, owners, their lawyers, etc., that although there may be some moral obligation, there is no legal obligation. He noted that it is not enforceable because it was not part of the Board's set of conditions. Mr. Bryan asked Solicitor Ursillo if he feels the Town has any means of recourse against Mr. Cambio. Solicitor Ursillo noted that the only recourse against Mr. Cambio is by the property owner, because the contract was between the property owner and Mr. Cambio. Mr. Bryan asked if a municipality could ever join that type of an action. Solicitor Ursillo noted that he would never counsel that. He noted that the lesson learned here is that when the Board is deliberating over something, to get down all the conditions you want, and if you need to continue the hearing to make sure you've got them all, to continue the hearing.

Suzanne Martin, 21 Carrs Pond Road, suggested to zone it Residential, rather than Highway Business. She noted that all of the neighbors are in favor of residential, and noted that it retains the characteristic of the neighborhood, and gives the Lepres some alternative so that they don't have to sell it to a senior person. She noted that she thinks this is a fair compromise, where the neighbors would get something and the Lepres would get something out of it. She noted that it would retain the buffer zone.

Motion to close the public hearing. Ward-Regan (5-0), with alternate Mr. Bryan voting.

Mr. Bryan expressed that this bothers him a great deal, and explained that he has to view this today in the context of prior actions and the development that is now taking place on that property. He noted he needs to look at this in the whole, and not as individual lots, to assess what is in the best interest of the Town, and including the neighborhood. He noted that he does not think Highway Business is the best choice because it does produce a separate entrance point on Division Street for future access, which is a complete change in character for the neighborhood.

Mr. Ward expressed that the Lepres have owned it since the 1950's and that in 1969 it was zoned Highway Business, and pointed out that it abuts Highway Business on two sides, and only one side is residential. He noted that the junk yard had been diagonally across the street for years on end, which is zoned commercial. He noted that he thinks that commercial does fit, and pointed out that it is near the Exit 7, and is near the highway, and there is a state economic development package that encourages these places to remain because of the economic enhancements and that the goal #5 for the Comprehensive Plan is to enhance, strengthen, and promote existing highway business districts. He noted that this was an existing Highway Business district and that he thinks that the Board has no choice but to make the Lepres whole again and to let it revert back to what it was. He noted that the Lepres could sell it as residential, and it could stay a residential use for 100 years. He noted it is a non-conforming use. He noted that he doesn't want to bring more harm to the Lepres than has already been brought.

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**Motion** that the West Greenwich Planning Board hereby moves to amend the Comprehensive Community Plan Land Use Map, and property designated as Assessor's Plat 1, Lots 13 and 15 from the current designation of Senior Residential Community to Highway Business. Said Amendment is approved based upon the following findings of fact, findings of consistence with the Comprehensive Plan, and conditions of approval:

**Findings of Fact and Consistency with Comprehensive Plan**

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, of Element 6 of the Comprehensive Plan, "To enhance, strengthen, and promote existing Highway Business Districts."

**Conditions of Approval**

1. That no access to the Senior Residential District to Division Road can enter the Lepre parcel, and that there is no access from the abutting Highway District or the Residential District through the Lepre property, and that there be no intermingling of access.

Ward-Regan. Mr. Bryan asked if during the initial submission by Mr. Cambio, did the Lepres oppose what was being submitted. There was discussion. Mr. Berry asked if the Planning Board has any purview to recommend that the zone be changed to residential. Solicitor Ursillo explained that towns can propose zone changes without the permission of the property owner, and the property owner has the right to oppose and appeal it. Motion carries (3-2), Boyer-aye, Ward-aye, Regan-aye, Berry-nay, Bryan-nay.

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**Development Plan: Preliminary Plan**

“BMX Track”- AP 49, Lot 1

--off Barnett Lane; dirt bicycle track proposed at Dan’s Pizza site

Applicant: Woodland BMX ; Owner: DCH 1 Realty Holdings, LLC (Dan Hebert)

Mr. Manny Timoteo, of Foster, RI, approached the Board as a member of the BMX club, and passed out a Narrative Report. He explained the measures that will be taken for erosion, noting that on the sides there will be all grass, and that the surface of the track will have enviro-tech, which will be no erosion. There was discussion on the other items in the Town Planner’s memo, and some of the provisions from the Zoning Board, such as boulders around the parking area.

Ms. Paquet asked the Board if any items from the Checklist are being waived. There was discussion about the prior work done for the Pizza site, such as the traffic analysis and wetland permit, and the fact that there will not be any permanent structures here. It was noted that the following items are waived:

1. Photogrammetrist Certification of contours
2. Traffic study
3. Landscaping plan
4. Class 1 Survey

It was noted that site needs to be loamed and seeded for grass vegetation within the Limits of Disturbance. It was noted that the project needs to maintain the same Limits of Disturbance as the original wetlands permit. It was noted that the consulting engineer will need to review the plans for handling the stormwater such as a grass strip with a berm to prevent the gravel from going into the detention basin. It was noted that the concern of sediment entering the basin needs to be addressed.

Mr. Bryan asked how often the temporary restroom units will be serviced, and if they are going to be there permanently that they need to be anchored to prevent vandalizing, and asked if there is anything that can be done aesthetically. The Board asked that they put them in an area out of public view and out of the wetlands.

Chairman Boyer discussed having the applicant come back after the first season to evaluate the operation, and see if there are any major problems that come up like traffic, drainage, etc., that need to be addressed. The applicant noted that hopefully they can work together with the Town.

It was noted that any lighting would have to come back to the Board for approval.

It was noted that the applicant’s engineer needs to have provisions for permanent erosion controls.

The applicant noted again that they want to work with the Town to get this done.

Mr. Hebert, in the audience, noted that he spoke with Doris Aschman at RI Department of Health about the use in the well radius and noted that he told her what was going on and explained to

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there that there would be no oils, no gas, no vehicles, and it is just dirt with kids riding bikes around and noted that she is ok with it. It was noted that the port-a-johns are on the other side.

It was noted that the Fire Chief has not commented, that the approval will be subject to anything he says.

**Motion** to approve the BMX Park development Preliminary Plan at AP 49, Lot 1, on Barnett Lane at the Town Pizza site, dated 2/20/09, stamped by Jeffrey Campopiano, PE, with the following conditions:

1. Submit Full size plans
2. Pay the Preliminary Plan application fee (\$300)
3. Deposit the Project Review Fee (at least \$1,000 needs to be submitted). Any remaining money is refundable to the applicant after the project is completed, and this account is reimbursable if additional funds are needed for further review and inspection of the project.
4. notation of ground cover will incorporate loam and seed for site stabilization
5. Grading Plan shall be reviewed by Town's consulting engineer.
6. Proposed drainage Plan/ calculations are to be reviewed by the Town's consulting engineer
7. All terms and conditions of the Narrative as proposed and submitted at the meeting by the applicant shall be adhered to.
8. Maintain the same Limits of Disturbance as approved in the RIDEM permit for the site.
9. Applicant shall come back to the Planning Board for review at the November meeting to review the operations of the site
10. there shall be no lighting unless a lighting plan is reviewed and approved by the Planning Board
11. Final plan review of the revised plan may be handled administratively by the Town Planner.

Ward-Regan (5-0).

**Motion** to recommend to the Zoning Board the approval for the Special Use Permit for the BMX track with the conditions of the Planning Board's Preliminary Plan approval. Ward-Regan (5-0)

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**Conservation Development**

Ms. Paquet explained that she sent the materials out the day after the last meeting. She explained that there are two documents, Part 1 is the proposed changes to the Zoning Ordinance, and Part 2 are the proposed changes to the Land Development and Subdivision Regulations, and including proposed Checklists. The Board requested that Ms. Paquet prepare another list of questions for the Board to answer, rather than the Board going over the draft text, for the next meeting.

**REPORTS AND SPECIAL ITEMS**

**Stormwater Management Plan Annual Report**

Ms. Paquet noted that she has been working on all the Annual Reports and responding to RIDEM's comments.

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Ms. Paquet handed out two flyers of upcoming workshops and presentations for the Board members to register for if they are interested: GrowSmart RI's "Making Good Land Use Decisions" series of classes, and the "Borderlands Project Village Innovation Pilot Regional Sharing Event.

**COMMENTS BY BOARD MEMBERS**

Chairman Boyer took note of some negative comments uttered at the end of the Lepre application, and expressed that this is one of the most diverse and most informed Planning Boards in the State. He noted that he hopes the Board never agrees because he thinks that makes the Board come up with better decisions, and noted that every one of the Board members has the ability to listen to each other to try to understand their point of view. He appreciates that there are residents who come to numerous meetings, and not just the ones that apply to their neighborhood. He noted that this means more to him than someone who just shows up when it's in their back yard. He noted that it is a pleasure to serve with this Board.

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 8:43 p.m.

**WEST GREENWICH**  
**April 20, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on April 20, 2009. Present were: Chairman Mark Boyer, Brad Ward, Tom O'Loughlin, and alternate William Lepak. Tim Regan, David Berry, and alternate Bill Bryan were absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 6:30 p.m.

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\*\*This meeting agenda has been shortened and moved a half hour earlier to hear this one item before adjourning to accommodate attendance at the School Financial Meeting, which begins at 7:00 p.m. at the junior-senior high school. The rest of the Planning Board agenda items have been moved to April 27<sup>th</sup>.\*\*

**Community Development Block Grant (CDBG) : 2009 Grant Round**

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

- Provide Advisory Opinion to Town Council

Mr. Jeff Gofton from the Community Development Consortium was present. Mr. Gofton explained the CDBG application proposals and the 2 proposals under the American Recovery and Reinvestment Act.

Mr. Lepak noted that Blueberry Heights has been getting a lot of CDBG grants and asked if there were other neighborhoods in Town that could apply. Mr. Gofton noted that the neighborhood would need to be income eligible and have a low to moderate income population. It was noted that units in the Blueberry Heights neighborhood count towards the Town's ten percent for affordable housing.

**Motion to** make a finding that the following proposed projects in the 2009 CDBG request are not inconsistent with the Comprehensive Community Plan and that the Planning Board recommends to the Town Council the following priority order:

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

Ward-O'Loughlin (4-0)

Motion to adjourn. Ward-O'Loughlin (4-0). The meeting ended at 6:39 p.m.

## **WEST GREENWICH**

**April 27, 2009**

### **SPECIAL PLANNING BOARD MEETING**

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A special meeting of the West Greenwich Planning Board was held on April 27, 2009. Present were: Chairman Mark Boyer, Brad Ward, Tom O'Loughlin, Tim Regan and alternate William Lepak (7:12p.m.). David Berry and alternate Bill Bryan were absent.

Town Planner Jennifer Paquet was present.

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

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#### **Acceptance of Minutes (Consent Agenda)**

March 16, 2009 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (3-0), with Mr. O'Loughlin abstaining.

#### **Major Subdivision: Application Status Update**

"Stonebridge Estates" AP 33, Lot 1-1

-Plain Meeting House Road

It was noted that the applicant asked to have this removed from tonight's agenda.

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After discussion, the Board set a date for a joint meeting with the Town Council to go over the proposed changes to the Residential Compound Ordinance for May 18, 2009 at 7:30 p.m., and they will open their regular meeting earlier at 6:30 p.m., due to a very light agenda. The Board asked to have the proposed changes and the minutes from the meetings sent to them and the Town Council for a refresher.

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#### **Development Plan: Final Review**

"West Greenwich Town Pizza" AP 49, Lot 1

--off Barnett Lane

Mr. Dan Hebert was present. Miss Paquet explained that Mr. Hebert is getting ready to open his business and that there she and the Building Official went out to the site and noted a few items that needed to be addressed. She noted that she sent a letter of the items to Mr. Hebert and that the Board was sent a copy of the letter. Mr. Hebert noted that the guy is coming to regrade and reseed on Thursday. It was noted that he still needs to loam and seed the middle parking area between the septic and where the BMX track is proposed. He noted that they are awaiting signoff from RIDOT. He noted that the temporary erosion controls have been removed. The Board asked for the Town's consulting engineer to review the as-builts for RIDOT/RIDEM.

People started to arrive for a Special Town Council meeting that was also scheduled for this time. Motion to move the meeting to the vault. Ward-O'Loughlin (4-0).

Mr. Lepak arrived at 7:12 p.m.

Motion to reconvene. Ward-Regan (5-0)

## **WEST GREENWICH**

**April 27, 2009**

### **SPECIAL PLANNING BOARD MEETING**

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Continuing with the discussion on Town Pizza. Also present are Dan Hebert, and now his engineer, Mr. Jeff Campopiano, PE.

Going over the list of items, it was decided that item one needs to be done, and to include explanations, such as why a particular stone checkdam is not needed. The eroded areas will be fixed on Thursday, the as-builts required for RIDEM will also take care of item 10, the sign-off from RIDOT is in the works, number 7 has to be completed by the end of the fall growing season this year, number 8 list was submitted, and number 9 was done. Also, item 11 needs to be paid, plus any additional expense for consulting engineer review of the items required for this final submission. It was clarified that the loam and seed for the area beyond the septic can be done after the BMX parking lot is in. Also, Mr. Hebert will need to come back to the Board in October for an update on the tree installation. The Board noted that with the review of the Town's consulting engineer, that the Final plan can be handled administratively with the Town Planner.

Motion to make final approval for the West Greenwich Town Pizza development off Barnett Lane, AP 49, Lot 1, in accordance with the Town Planner's letter dated March 31, 2009, and in accordance with the following conditions:

1. That the plantings in the rear of the building for the parking area and the access road be completed this year, by the end of the fall growing season
2. that the remaining disturbed areas needing loam and seed may be completed after the BMX track parking lot is installed
3. the applicant's engineer shall address the changes from the plan in the field with review and approval by the Town's consulting engineer
4. that the final approval may be administrative
5. the owner shall appear before the Board in October for a status update.

Ward-Regan (5-0)

#### **Conservation Development (CD)**

-review policy questions and draft documents

The Board went over the memo from Ms. Paquet. 1. The Board noted that Conservation Developments should only be allowed in the RFR-2 zoning district. There was discussion on how many lots makes a project too big. The Board does not want to designate certain areas of Town for CD, only all of the RFR-2 zoning district, and the Board can decide on a case by case basis if CD should or should not be designed for the lot, considering factors such as water availability problems. There was discussion on minimum original parcel size and the Board decided not to limit it, but to leave it on a case by case basis. There was brief discussion on cul-de-sac length and how that would factor in on a yield plan.

The Planning Board asked for a copy of the available lots by size in Town. The Board discussed reducing the number of lots allowed in return for reduced costs of infrastructure improvements and implications on the schools and taxes. Ms. Paquet will ask the Solicitor if it is legal to require fewer lots than the yield plan.

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 8:44 p.m.

**WEST GREENWICH**  
**May 18, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on May 18, 2009. Present were: Chairman Mark Boyer, Brad Ward, Tim Regan, Tom O'Loughlin, David Berry (6:36 p.m.), and alternate William Lepak. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo, were present. Chairman Boyer called the meeting to order at 6:30 p.m.

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**Acceptance of Minutes (Consent Agenda)**

April 20, 2009 Regular Meeting  
April 27, 2009 Meeting

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

There was discussion on the conflict with the Financial Town meeting and the special joint meeting with the Town Council set for June first. It was decided to change the regular meeting to 6:30 p.m. on June 1<sup>st</sup>, before the joint meeting with the Council. Motion to change the June meeting to June 1<sup>st</sup> at 6:30 p.m. Ward-Regan (5-0).

Mr. Berry arrived at 6:36 p.m.

**Conservation Development (CD)**

The Board continued to go over the questions from the Town Planner's memo from December 15, 2008, starting on page 2, with item 7. The Board decided to allow interior building lots, with 50 feet of frontage, and a "no further subdivision" restriction. It was noted that none of the lots in a CD can be further subdivided, and that this is in the ordinance and needs to be in the legal documents. The Board discussed a minimum frontage for frontage lots as not less than 100 feet, but expressed concern about how this hinders well radius and affect on abutting lots. The Board continued to hash out the following items:

9. no cut buffer to abutting properties minimum of 75 feet, lot coverage between 20 and 25%, front yard setback minimum of 50 feet, side yard setback minimum 15 feet, rear setback minimum 50 feet
10. open space minimum lot width/frontage for access points of 30 feet, and no need for a minimum parcel size for open space
13. concern of ATV's and motorcycles. Encourage passive recreation, but open to other types.
14. farming allowed, home occupations allowed, earth removal not allowed, use the same matrix for uses in RFR zoning district.
15. Conservation lots will be allowed/included
16. discussion that even though two-family units are allowed by special use permit in residential zones, the Board wants to prohibit them in Conservation Developments. Solicitor Ursillo noted that the Town can prohibit two-family units in a conservation development.

**WEST GREENWICH**  
**May 18, 2009**  
**PLANNING BOARD MEETING**

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The Board then went over the Land Development policy questions, starting with page 4, item 7:

7. the Board wants to keep the design flexible so there will be no home grouping maximum
8. PB wants flexibility with building envelopes
9. there was discussion on public versus private roads for a CD. The PB took a poll. It was 3 for public, and 2 for private.

Ms. Paquet noted that next month's meeting will be a workshop to go over the concerns from this meeting, including lot frontage dimensions, well radius, lot coverage, side yard setbacks, typical house sizes, and fitting it all in to the design.

The Board had discussion on affordable housing, duplexes, and density bonuses. It was noted that there would be no density bonus in a CD for affordable housing, and that with the built in cost savings on a CD, any affordable housing would be mandatory, but that this is covered under the affordable housing ordinances.

Solicitor Ursillo addressed the Board's question from last month regarding requiring less units in a CD than in a conventional development based on the cost savings and to reduce population in the school. Mr. Ursillo noted that the Board can require a less dense development, but questioned whether it would be a disincentive to cause a developer to choose a conventional development over the CD.

Motion to adjourn. Ward-Berry (5-0). The meeting ended at 7:50 p.m.

## **WEST GREENWICH**

**June 1, 2009**

### **PLANNING BOARD MEETING**

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A rescheduled meeting of the West Greenwich Planning Board was held on June 1, 2009. Present were: Chairman Mark Boyer, Brad Ward, Tim Regan, Tom O'Loughlin, David Berry (7:09 p.m.), and alternate William Lepak. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 6:30 p.m.

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#### **Acceptance of Minutes (Consent Agenda)**

May 18, 2009 Regular Meeting

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

#### **Conservation Development (CD)**

- workshop

Ms. Paquet went over an example of doing a Conservation Development using an existing lot in Town. The Board then went through an exercise using a different property in order to see how different lot shapes based on frontage widths affects the design. The Board also analyzed the set backs, well radius, and a typical building footprint for each lot shape, as there had been concerns about how all of this fits within the design. It was determined that the dimensional regulations recommended at the previous meeting will work.

Mr. Berry arrived at 7:09 p.m.

Ms. Paquet asked the Board to go over the Purposes section in the proposed zoning ordinance for Conservation Development. The Board did not offer any comments.

There was discussion on the issue of private versus public roads. Mr. Lepak asked what benefit there is to the Town in light of the potential financial benefit to the developer. Mr. Boyer pointed out that it doesn't matter how much money the developer makes because the end result is a better designed development for the Town and the open space. The Board stressed that they want to make sure that they have the legal authority to require either conventional development or a conservation development, at their discretion.

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

Motion to recess at 7:24 p.m.. Ward-Regan (5-0).

## **WEST GREENWICH**

**June 1, 2009**

### **PLANNING BOARD MEETING**

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#### **Beginning at 7:30 p.m.:**

#### **Special Joint Workshop with Town Council**

- Residential Compounds

The Board reconvened at 7:31 p.m. for a joint workshop with the Town Council. Present from the Planning Board were: Chairman Mark Boyer, Brad Ward, Tim Regan, Tom O'Loughlin, David Berry (7:09 p.m.), and alternate William Lepak. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet was present. Present from the Town Council were: Chairman Robert Butler, Thaylen Waltonen, Susan Woloohojian, and Kelly Stewart. Councilman Mark Tourgee was absent. The Town Solicitor was not present. Town Administrator Kevin Breene was present.

Councilman Butler explained that there has been some concern about Residential Compounds and asked Planning Board Chairman Boyer to explain the history of the Residential Compound ordinance in West Greenwich. After explaining the development of the ordinance, Chairman Boyer noted that the trouble they had in Coventry was that they allowed 10 lots in a compound which was a lot of wear and tear on the gravel road, and now they require that the road has to be paved.

There was discussion on why the Town is allowing Residential Compounds off of existing private roads. Councilman Waltonen expressed concern of opening up land to development that otherwise could not have been developed if Compounds were not allowed on existing private roads, and noted that this increases the density. Planning Board Chairman Boyer explained that it is meant to give the land owner an option to develop the land for themselves, instead of having to sell out to a developer. He explained that the developer can buy up all the land and put in a conventional development, but if the landowner can make a lot or two for their kids, they wouldn't need to sell out.

Councilman Waltonen and Councilwoman Stewart wanted to know how many lots in Town accessed by a private right-of-way this would make available for a Residential Compound. It was noted that it is already allowed by a previous amendment to the ordinance. Planning Board Chairman Boyer noted that he thinks it was in the original ordinance. Ms. Paquet noted that the original ordinance was adopted in May of 2005, and that it has been amended once, in August 2006 to increase the maximum number of lots from 4 to 5. Planning Board Chairman Boyer noted that he went over the Plat Maps and that he found 23 lots that this would impact. He then calculated how many conventional lots could be developed on these properties and factored how many new lots could be developed off of Sharpe Street if they could all do a Residential Compound, given the lot sizes and the unsuitable land. He noted it would be 7 new lots.

There was discussion about the features of the ordinance such as preventing someone from amassing land from the neighbors to do a Residential Compound, and needing permission and legal access from all the parties and the land owner of a private right-of-way to use the private right-of-way for access to develop a subdivision.

It was noted that there needs to be further discussion.

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 8:49 p.m.

## **WEST GREENWICH**

**July 20, 2009**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on July 20, 2009. Present were: Chairman Mark Boyer, Brad Ward, Tim Regan, and Tom O'Loughlin.

David Berry and alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was also present. Consulting Engineer Dan Cotta, PE was also present.

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

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#### **Acceptance of Minutes (Consent Agenda)**

June 1, 2009 Meeting

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

Chairman Boyer noted that the agenda items would be switched around this evening.

#### **Minor Residential Compound: Pre-application Plan**

“Mastors Residential Compound” - AP 59, Lot 12

--at 790 Hopkins Hill Road ; one new lot proposed for development,

Applicant/Owner: Gregory Mastors

Chairman Boyer recused himself. Vice Chairman Ward took over as the Chair.

Mr. Ward noted that he has known the applicant since childhood, but there is no financial relationship.

Mr. Robert Boyer approached the Board. Mr. Boyer noted that it is a 7.4 acre parcel of land and that they are proposing either a 30 foot wide right-of-way or easement to go to the rear of the property to create the new lot. He noted that there are wetlands which have been flagged. He noted they are looking for some direction on either allowing a 30 foot wide driveway which would take frontage away from the existing lot, creating two non-conforming lots, or if they could allow the frontage to stay for the front lot and create a 30-foot easement.

Vice Chairman Ward pointed out that the first option would require a zoning variance.

The Board noted that they do not have a preference for which option to pursue on the frontage.

Chairman Boyer rejoined the Board.

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

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

--Plain Meeting House Road; 20 lots proposed for development,

Applicant/Owner: Stonebridge Estates, LLC (Rudy Procaccianti)

Attorney John Brunero approached the Board. Mr. Brunero gave an overview of the proposed project. He noted there would be 3 phases. He noted that they have received DEM Subdivision Suitability and Wetlands approvals. He noted that the drainage has been designed and reviewed. He noted they have also designed the future drainage for Plain Meeting House Road and that the

## **WEST GREENWICH**

**July 20, 2009**

### **PLANNING BOARD MEETING**

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subdivision drainage detention areas are large enough to hold the water. He noted that they are also going to install a drainage system at each entrance and across the road and tie it into the subdivision system.

Mr. Brunero noted that they are working with the Department of Public Works and have started the tree clearing for site distance. He noted that the road names have to be changed and that they have agreed with the changes as noted in the Planner's memo. He noted that the two cistern locations have been approved by the Fire Chief. He noted that the catch basins will have bike safety grates. He noted that they have complied with everything from the Master Plan approval and recommend that the Master Plan approval be incorporated in this approval. He noted that the electric will be underground and that they will transfer the strip of land at the entrance to the abutter.

[At this point, the Planning Board recessed this item to hear the Town Pizza item. See below for continuation of the Public Hearing for Stonebridge Estates]

#### **“West Greenwich Town Pizza” AP 49, Lot 1**

--off Barnett Lane; recently opened restaurant

- Parking situation on Barnett Lane

Mr. Dan Hebert approached the Board. Mr. Hebert noted that he has already started a gravel parking area over the septic system area and that his engineer is working with him on this. He noted it will hold about 35 more parking spaces. He noted he will be putting in a wooden staircase and is getting the regulations from the Building Official on it. The Board directed for the Town Engineer to review Mr. Hebert's plans and to handle this administratively. The Board asked Mr. Hebert to have his engineer submit the paperwork to the Town Planner.

It was noted that the approved plan met the existing zoning parking requirements which was one parking space for every 4 seats. It was noted that the Zoning Ordinance needs to be revised.

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

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

--Plain Meeting House Road; 20 lots proposed for development,

Applicant/Owner: Stonebridge Estates, LLC (Rudy Procaccianti)

[This item has been continued here from earlier in the meeting. See above for beginning of hearing.]

Mr. Tim Behan, PE approached the Board. Mr. Behan presented the drainage in more detail to the Board. He passed out a two-sheet 11 x 17 reduced set handout (pages 21 and 19 from the plan set) showing in outline the off-site improvements that will be completed by the developer, including all of the infrastructure within the applicant's property. Mr. Behan then went over the structures and their locations. He noted that the flared end sections will give a lot more capacity than just a double-grate catch basin. He noted that 24” diameter flared end section at the bottom

**WEST GREENWICH**  
**July 20, 2009**  
**PLANNING BOARD MEETING**

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of the hill will have a tremendous amount of capacity to relieve the flooding at the base of the hill.

Mr. Behan went over the drainage from Stubble Brook Road and the existing easement. He explained that the existing catch basin is not located at the low point, and therefore it catches no runoff. He noted that there is a pipe down the easement, which catches almost nothing. He noted that where the low spot is there is a natural drainage swale where the drainage goes into the property. He noted that the design will catch that and bring it into the detention pond.

Mr. Behan noted that the 5 frontage lots will be Phase 1, Phase 2 is the western cul-de-sac and Phase 3 is the upper cul-de-sac. He noted there are two detention ponds and access roads leading to them.

There was discussion on the drainage components that will be the responsibility of the developer. There was discussion on the scope of the off-site improvements. Mr. Ward expressed concern of the Town bid documents and how the Town would generate the specifications for Mr. Behan's plans. It was noted that the Town could either retain his services, or it could be by another engineer, but if there were modifications, he would have to be involved and stamp them. Mr. Behan showed that it is all on the plan.

Dan Cotta, PE with American Engineering, consulting engineer for the Town, noted that they have addressed all the comments to the point where he is satisfied. His memo dated July 17, 2009 was passed out to the Board members.

Motion to open the Public Hearing. Ward-Regan (4-0). Chairman Boyer took public comments:

Robert Butler, 410 Plain Meeting House Road, noted that he lives at the bottom of the hill. Mr. Butler first noted that Mr. Behan has done a good job, but that he has some concerns about the size of the 12" pipe between the first set of catchbasins, that then go to an 18" pipe. He noted it seems like most of the water is going to bypass the first set of catch basins and go down to the bottom of the hill, and asked if it was possible to take more water off at the upper point. Mr. Behan explained his strategy for the divide.

Mr. Butler then expressed concern that the water from Stubble Brook Road will pose a problem for the new lots in the development, in the meantime until the drainage on Stubble Brook Road is installed. Mr. Behan pointed out the natural swale, the inlet and the grading designed to accommodate this.

Mr. Cotta suggested to oversize that one pipe going across the road. The engineers discussed this.

Mr. Joseph Giordano, PE with Gordon Archibald, discussed the traffic report. He noted that the focus of the report was on site distance. He noted that the Town's consulting engineer at the time, Michael Zavalia, PE, asked them to do a speed study, and he noted that they did this. He noted that the eightieth percentile speed ranged from 32 to 39.2 mps, depending on which cul-de-sac you were at and which direction. He noted that they also double checked all the site

## WEST GREENWICH

July 20, 2009

### PLANNING BOARD MEETING

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distances and made a recommendation on the actual location of the lower cul-de-sac, so that everything meets the required site distance for the speed. He noted that Mike Zavalia noted in his last letter that the report was acceptable. He noted that they also checked the lots that will have frontage on Plain Meeting House Road, and noted that it was good. He noted that the last comment raised one more concern, which was the site distance between a vehicle heading northerly on Plain Meeting House Road, and a vehicle heading southerly that stops to take a left into the southerly cul-de-sac. He noted that the double checked that and recommended some clearing on the inside of the curve for the site line to go across the inside of that curve and the two vehicles can see each other. He noted the distance they are trying to achieve is 220 feet for that eightieth percentile speed. He noted that the trees have been taken down already, and that there is a little more brush clearing and maintenance work needed there. He noted that with a little work, all the site distances that you need to meet are met. He noted that across all the frontage, it almost doesn't matter where the driveway goes.

Mr. Ward asked about access for school buses.

Sandy Bockes, Hazard Road, asked how soon the developer plans to start construction. Mr. Brunero noted as soon as the economy starts to move, but right now it is hard to find a customer. Mrs. Bockes asked if this applicant plans to stay aboard on this project or if it will be sold. Mr. Brunero noted that he is not going anywhere and that he will be doing the infrastructure and working on this project along with his crew. There was further discussion on the Town getting burned on other projects.

Motion to close the Public Hearing. Ward-O'Loughlin (4-0)

The Board discussed a decision and conditions of approval. It was noted that the Town would not accept responsibility for maintaining the infrastructure until after acceptance by the Town Council, and that the note on sheet 2 about this on the plan needs to be changed, because the owner is going to be responsible until that point. Mr. Brunero noted that they understand this. It was noted that site plans will be needed for each lot for roof drainage, grading, off-sets, driveways, etc.. There was a recess until 8 p.m.`

**Motion** to approve the Preliminary Plan for the Major Subdivision entitled, "Stonebridge Estates," at AP 33, Lot 1-1 on Plain Meeting House Road, prepared by TJB Engineering, LLC, dated, latest revision date 7/3/09, with the following conditions of approval:

1. That the Town be reimbursed for the cost of the Preliminary Plan Public Hearing advertisement.
2. That the pipe size between drainage structures 110 and 111 crossing Plain Meeting House Road be increased in accordance with the engineers.
3. Note 1 on Sheet 2, and with respect to all infrastructure, that the Town will not accept maintenance responsibilities for any infrastructure until after the Town Council has accepted the roadways.
4. Name for streets shall be changed as noted.
5. Road signs and site distance clearing shall be completed prior to Phase 1 recording.
6. Site Plans are required for each lot, including rooftop drainage/drywells, limit of disturbance, and all improvements on the lot.

## **WEST GREENWICH**

**July 20, 2009**

### **PLANNING BOARD MEETING**

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7. Fire Suppression shall be installed in accordance to the Fire Chief's direction.
8. All subdivision regulations shall be followed, including as-built plans, and any other requirements.
9. any damage to existing roadway during construction must be repaired at the developer's expense, and to the satisfaction of the Public Works Director.
10. any and all conditions from Master Plan approval are herein incorporated

This approval and the conditions are based on the findings of fact from the Master Plan approval, and including the following finding of fact:

1. That the proposed off-site drainage design and improvements is necessary to alleviate stormwater runoff impacts for the benefit of the subdivision residents and the residents of West Greenwich. Shown on sheets 19, 20, and 21.

Ward-Regan (4-0).

Mr. O'Loughlin left the meeting at 8:10 p.m.

#### **Conservation Development**

Ms. Paquet explained that she has incorporated the dimensional parameters that had been decided on at previous meetings into the Zoning Ordinance component of the ordinance, and they will be in next month's packages. She noted that she is still working on the Subdivision Regulation component. It was noted that this will be ready to go within the next two meetings.

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It was noted that the Zoning Ordinance needs to be updated for parking standards, and to address 'take-out only,' too.

Motion to adjourn. Ward-Regan (3-0). The meeting ended at 8:30 p.m.

**WEST GREENWICH**  
**August 17, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on August 17, 2009. Present were: Chairman Mark Boyer, David Berry, and Tim Regan.

Tom O'Loughlin, Brad Ward, and alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present.

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

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**Acceptance of Minutes**

July 20, 2009 Meeting

Chairman Boyer pointed out some changes to the minutes. Page 1, Vice Chairman Ward took over as the Chair, page 2, "it was noted that the approved plan met the existing zoning parking requirements," and page 3, "He explained that the existing catch basin is not located at the low point and therefore catches no runoff."

Motion to approve the minutes as amended. Berry-Regan (3-0)

**Residential Compound: Reinstatement of Application-Preliminary Plan**

"Treistman Residential Compound" – AP 8, Lot 1-8

--Off Fish Hill Road, Owner/Applicant: Lewis Treistman

Mr. Treistman was present. The Board asked to see the plan. Ms. Paquet showed them both the original plan and the revised plan with the engineering. The Board discussed the timeline on the project and made Mr. Treistman aware that he may need to apply for another extension if the project is not completed by next year. They noted that he should come back in June if he thinks it won't be completed by next August.

**Motion** to reinstate the Preliminary Plan for the Treistman Residential Compound AP 8, Lot 1-8, and to grant a one-year extension of Preliminary Plan approval, as previously granted by the Planning Board on August 20, 2007, with all the same conditions of approval, based on the following findings of fact:

1. The subdivision is consistent with the Comprehensive Plan
2. The Land Development and Subdivision Regulations are substantially the same as they were at the time of the original approval, and recent changes do not affect the layout or design of the development
3. the zoning of the parcel is the same as it was at the time of the original approval
4. the physical conditions on the parcel are substantially the same as they were at the time of the original approval
5. any applicable State or federal regulations are substantially the same as they were at the time of original approval, and that the State approvals are still valid

Berry-Regan (3-0)

### **Conservation Design Development**

Ms. Paquet noted that the Zoning Ordinance amendment portion for the Conservation Design Development is completed and has incorporated all of the comments and dimensional figures that the Planning Board decided on. She explained that she went through the use matrix from the Zoning Ordinance and used the same codes for uses allowed, allowed by Special Use Permit, or Prohibited within the Conservation developments. Chairman Boyer went over his comments. It was decided to re-word the dimensional table for Minimum Lot Width by removing the parentheses. The Board asked for a draft motion on this section for next month. Ms. Paquet noted that the Subdivision Regulation changes will be ready for review next month.

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There was discussion from the audience, who were members from the Conservation Commission, regarding a Notice from RIDEM for wetlands to widen the old gravel portion of New London Turnpike being used by trucks for the Cardi gravel bank. Sandy Bockes noted that one of the concerns that the Conservation Commission had was that the application and supporting material were not included in the DEM Notice. She noted that she was able to obtain the Biologists report, and that there is nothing in the report that would contradict the advisory opinion that they have already sent to the Town Council. Mr. Berry noted that the Town fought the Cardi gravel project for a long time. Mrs. Bockes read a few phrases out of the biologist's report, highlighting concerns of widening and paving the road and implications for amphibians and reptiles. It was noted that it seems like the application was to address an inconvenience for the trucks, and that perhaps if the Town Council sends comment back that they are not in support of it, that DEM would deny it.

Motion to adjourn. Berry-Regan (3-0). The meeting ended at 7:40 p.m.

**WEST GREENWICH**  
**September 21, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on September 21, 2009. Present were: Brad Ward, David Berry, Tim Regan, Tom O'Loughlin (7:02 p.m.) and alternate William Lepak. Chairman Mark Boyer, and alternate Bill Bryan were absent. Town Planner Jennifer Paquet was present. Town Solicitor Michael Ursillo (7:03 p.m.) was present. Vice Chairman Ward called the meeting to order at 7:00 p.m.

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**Acceptance of Minutes (Consent Agenda)**

August 17, 2009 Regular Meeting

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

**Minor Development Plan Review: Pre-application Plan**

“Big River Vet Service- Expansion”- AP 12, Lot 48  
--Nooseneck Hill Road ; addition to existing building,  
Applicant/Owner: Daniel Jr. and Debra Cardosa

Patricia Walker, PE and Dan Cardosa approached the Board. Mrs. Walker explained the project. She pointed out that the retaining walls will be terraced and none will be over 4 feet tall. She noted that Diane Soule will be preparing the Landscaping Plan. She noted that the septic system suitability will be to the new RIDEM standards. Mr. Lepak asked why there appears to be so much parking. Mrs. Walker explained that the family parks on one side of the home, and the customer lot is sized based on square footage of the building.

There was discussion on the Class 1 survey requirement on the Preliminary Plan checklist. It was noted that the TRC recommended that they apply for a waiver on this, as the work is far away from the property lines, and the Board agreed.

There was discussion on drainage. Mrs. Walker explained that they are actually removing some existing pavement, and that if there is any need for drainage they would tie the roof underground. Mr. Ward noted that the Town's consulting engineer will need to review the drainage calculations. Mr. Regan asked if there are any structures for the drainage. Mrs. Walker explained that it will go where it currently sheet flows to the back yard. Mr. Regan asked what the area of the retaining walls will be. Mrs. Walker noted that it will be landscaping and that Mrs. Cardosa is very excited to have more areas to landscape.

Motion to grant a waiver from the Class 1 Survey requirement on the Preliminary Plan checklist due to the distance of the proposed project from the property line. Berry-Regan (5-0).

Mr. O'Loughlin asked if the expansion will affect the neighbors. Mr. Cardosa explained that there is a lot of vegetation between his building and the neighbors' buildings.

The Board directed the Town Planner to have Dan Cotta, PE from American Engineering review the drainage for the Town.

Mrs. Walker asked what type of application process this will follow. Ms. Paquet noted it is a Development Plan Review, which used to be called a Site Plan Review and that it follows the

**WEST GREENWICH**  
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Minor Land Development Plan checklist. Mrs. Walker asked if the SSD will be needed for the meeting. Ms. Paquet noted it would be ok as long as they submitted to RIDEM.

**Conservation Development**

- Advisory Opinion to Town Council on Proposed amendment to Zoning Ordinance
- review of proposed amendments to the Land Development and Subdivision Regulations

Solicitor Ursillo noted that this ordinance is very progressive. There was discussion on having a joint meeting with the Town Council before going any farther, so that the Board can get a sense on whether the Council would support it before any more effort is put into finalizing the documents.

Mr. O'Loughlin asked how soon before the ordinances are completed. Ms. Paquet noted that the zoning ordinance portion is complete, but still needs to be reviewed by the Solicitor's office. She noted that the subdivision regulation portion is almost done, but that there are still notes within the text that need to be fleshed out.

Paul Kaltschnee from the Conservation Commission, in the audience, asked to have a copy of the drafts.

Motion to adjourn. Berry-Regan (5-0). The meeting ended at 7:26 p.m.

**WEST GREENWICH**  
**October 19, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on October 19, 2009. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, and alternate Tom O'Loughlin (7:04 p.m.). Alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present. Chairman Boyer called the meeting to order at 7:00 p.m.

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**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

September 21, 2009 Regular Meeting

**Minor Development Plans (CA)**

Cell Antenna on Existing Tower- Cox

-- 830 Nooseneck Hill Road AP 50, Lot 3 (West Greenwich #1 Fire Station)

Tower Owner: American Tower Corporation; Applicant: Cox TMI Wireless, LLC

Cell Antenna Addition on Existing Tower- Cox

-- 101 Nooseneck Hill Road AP 6, Lot 31-1 (Congress Hospitality)

Tower Owner: Crown Atlantic Company LLC; Applicant: Cox TMI Wireless, LLC

Motion to approve the consent agenda. Ward- Berry (3-0) with Boyer abstaining

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

**Development Plan: Status Update for Final Review**

"West Greenwich Town Pizza" AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of landscaping per April 27, 2009 approval

Mr. Dan Hebert, owner, and Mr. Jeff Campopiano, PE were present. Mr. Campopiano explained the loam is being spread now between the BMX track and the lower parking area and it will be grassed in within the next couple of days. He noted that for the street trees, they would like to see how much snow they get to know how to set the trees, and then plant them in the Spring. The Board had no problem with this. The applicant must come back to the Board in May.

Mr. Campopiano then noted that they will also be going to the Zoning Board because they would like to install a vestibule to access a patio with outside seating area on the Victory Highway side of the building. He noted that the vestibule would encroach within the setback a few feet.

**WEST GREENWICH**  
**October 19, 2009**  
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**Request for Bond Reduction**

“Owl Ridge” AP 51, Orion View Drive  
--off Henry Brown Road  
Developer: DOSCO, Inc. David Annese

Mr. Dave Annese was present. The Board went over the draft memo from the Town Planner of the list of items. It was noted that the final coat of pavement was installed today. Ms. Paquet noted that she went out to the site about 3 p.m. today to go take a look on things. She noted that the Public Works Director will need to double check on if the catch basins have been cleaned. Ms. Paquet noted that last week all the bare areas were shot with compost and seed, but that grass is not growing yet.

There was discussion on the dirt pile on the side of the road. It was noted that it is in front of an inhabited house and that kids toys are around it. There was discussion allowing it to stay as kids are using it for play. It was decided that it needs to be removed as it is in the Town right-of-way.

There was discussion on the road bounds. Ms. Paquet noted that two are still missing, and another 3 are buried. It was decided that the surveyor needs to certify that the bounds have been set in accordance with the locations on the approved plans, and it needs to be signed and stamped.

Ms. Paquet noted that there are additional items. She noted that she did not get a chance to check on the sink hole in the detention pond that was supposed to be filled in and also the holes from where the guardrail posts were. She noted that the detention pond was reshaped to original design and the boulders were removed, and that this area has been composed and seeded. She noted that the final pavement is done, but that she still needs the engineer analysis on the pavement.

Ms. Paquet noted that there was also a question on whether a guardrail was needed at lot 12. She presented photos of the area for the Board to see. There was discussion amongst the Board members and the Assistant Solicitor. Ms. Paquet noted that the Town’s engineer asked the question about a guardrail during the site plan for the development of the lot, and she passed out copies of the original subdivision grading in that area and showed the Board the proposed site plan for the lot for comparison. Mr. Annese noted that they built up a 13-foot shoulder because that is what it showed on the approved plans. Ms. Paquet noted that the plan detail called for a 13 foot shoulder and either a 2:1 slope with a guardrail, or a 3:1 slope with no guardrail. There was further discussion. Ms. Paquet read from the approved plan and the memo where the engineer brought up the issue. It was noted that the lot and the shoulder were graded different in the field than the proposed site plan for the lot.

It was noted that the other 3 items in the engineer’s memo were done.

There was further discussion on the guardrail. It was decided that either the guardrail should be installed per the consulting engineer’s recommendation (from station 7 to station 9), or the

## **WEST GREENWICH**

**October 19, 2009**

### **PLANNING BOARD MEETING**

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applicant needs to have his engineer do an As-built topography of the slope in this area and certify whether a guard rail is needed, and whether a steel back is need.

There was discussion on holding maintenance on the final pavement. The Board decided to hold \$10,000 for the bond, being \$7,000 for the guardrail, and \$3,000 for the pavement. The applicant can come back next month for a reduction on the guardrail after that has been resolved.

Motion to reduce the bond to hold \$10,000 cash for Orion View Drive improvements, and to release the rest. Ward- Regan (5-0).

Motion to recommend to the Town Council the acceptance of Orion View Drive from the Owl Ridge subdivision, and the associated drainage easements after the outstanding improvements as discussed have been completed and approved administratively. Ward-O'Loughlin (5-0).

### **PLANNING PROJECTS**

#### **Conservation Development**

Ms. Paquet noted that at our last meeting the Board asked for a joint meeting with the Town Council on this and that the Town Council scheduled that meeting for the Planning Board's regular November meeting, at 7:30 p.m. The Board asked to have a clear agenda and it was decided to keep the topic about the concept of Conservation Development, and not get involved in details of the ordinance. Ms. Paquet noted she can have a presentation prepared about what Conservation Development is. She noted that she had given a brief presentation to the Town Council, but that it was over a year ago. The Planning Board asked to have a draft presentation ready for November so that they can review it, and to reschedule the joint meeting with the Town Council for December, anytime.

Motion to adjourn. Berry-Regan (5-0). The meeting ended at 8:00 p.m.

**WEST GREENWICH**  
**November 16, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on November 16, 2009. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, and Tom O'Loughlin (7:01 p.m.). Alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present. Chairman Boyer called the meeting to order at 7:00 p.m.

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**CONSENT AGENDA (CA)**

Motion to remove all items off the consent agenda. Ward- Berry (3-0)

**Acceptance of Minutes (CA)**

October 19, 2009 Regular Meeting

Motion to approve the minutes. Ward-Regan (4-0)

Mr. O'Loughlin arrived at 7:01 p.m.

**Requests for Extension of Approval (CA)**

Mrs. Letendre explained that the State has recently passed a law which tolls all valid land approvals for planning and zoning, and State permits until June 30, 2011.

1. Request for extension of Master Plan approval: Major Residential Subdivision  
**"Breakheart Estates"** – AP 48, Lot 8-1  
--on Breakheart Hill Road; 8 lots proposed with new road  
Owner: Breakheart Properties, LLC (Norman Marsocci)
  - Master Plan approval granted on November 19, 2007

Mr. Michael McCormick, from Alpha Associates was present for the applicant.

**Motion** to extend the approval for the Master Plan for the Breakheart Estates Major subdivision of AP 48, Lot 8-1, prepared for Breakheart Properties, LLC., prepared by Alpha Associates, LTD, dated June 2007, revised 11/05/07, with the original conditions as granted by the Planning Board on November 19, 2007, for one year, to expire on November 19, 2010, based on the following findings of fact:

1. The subdivision is consistent with the Comprehensive Plan
2. The Land Development and Subdivision Regulations are substantially the same as they were at the time of the original approval
3. the zoning of the parcel is the same as it was at the time of the original approval
4. the physical conditions on the parcel are substantially the same as they were at the time of the original approval
5. any applicable State or federal regulations are substantially the same as they were at the time of original approval, and that no State approvals were required for Master Plan approval.

Ward-Regan (5-0)

**WEST GREENWICH**  
**November 16, 2009**  
**PLANNING BOARD MEETING**

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2. Request for extension of Preliminary Plan approval: Minor Residential Compound  
“**Baton Woods**” – AP 20, Lots 10-1, 10-4, and 13  
--Off Victory Highway; 3 new lots proposed for compound  
Applicant/Owner: Harold Baton
  - Preliminary Plan approval granted on October 20, 2008

Mr. Harold Baton was present. There was discussion that this approval has to date expired and is therefore a request for reinstatement and extension.

**Motion** to reinstate the approval for the 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 original conditions as granted by the Planning Board on October 20, 2008, for one year, to expire on October 20, 2010, based on the following findings of fact:

1. The subdivision is consistent with the Comprehensive Plan
2. The Land Development and Subdivision Regulations are substantially the same as they were at the time of the original approval
3. the zoning of the parcel is the same as it was at the time of the original approval
4. the physical conditions on the parcel are substantially the same as they were at the time of the original approval
5. any applicable State or federal regulations are substantially the same as they were at the time of original approval, and that the State approvals are still valid.

Ward-Regan (5-0)

3. Request for extension of Preliminary Plan approval: Minor Residential Subdivision  
“**Pine Estates**” AP 53, Lot 6-1  
--Off Hopkins Hill Road; 5 new lots with Road creation;  
Owner/Applicant: William Pine
  - Preliminary Plan approval granted on January 22, 2007

Mr. Bill Pine and Mr. McCormick from Alpha Associates were present.

**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, for one year, to expire on January 2011, based on the following findings of fact:

1. The subdivision is consistent with the Comprehensive Plan
2. The Land Development and Subdivision Regulations are substantially the same as they were at the time of the original approval
3. the zoning of the parcel is the same as it was at the time of the original approval
4. the physical conditions on the parcel are substantially the same as they were at the time of the original approval
5. any applicable State or federal regulations are substantially the same as they were at the time of original approval, and that the State approvals are still valid

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**Development Plan: Status of Operations**

“BMX Track”- AP 49, Lot 1

--off Barnett Lane; dirt bicycle track at Dan’s Pizza site

Applicant: Woodland BMX ; Owner: DCH 1 Realty Holdings, LLC

- Board required applicant to appear at November meeting to address the status of site operations and conditions and plans for improvements, if necessary

Mr. Many Timoteo was present. He explained that they got funding for the project late and were able to get in two months of racing. Ms. Paquet noted that there were some items that the Zoning Board required, such as a receipt for the porta-johns and certification from the engineer that the site has been built according to the plans, and noted that these two items have been submitted. She noted that there still needs to be grass put down to stabilize the site, but that the erosion controls are still in place. The Board discussed having spring time to grow the grass and requires that the applicant come back to the Board in either May or June for an update to ensure final stabilization.

**PLANNING PROJECTS**

**Conservation Development** – draft presentation

Ms. Paquet went over the prepared slides with the Board. The Board made some suggestions for changes and asked to have a dry run of the revised presentation for next month.

Mrs. Letendre went over the legal questions from the memo for the October 19, 2009 meeting. She noted that a Protective Conservation Restriction is needed even if the Town owns the land, which can be through a Declaration of Easement with Conservation Restrictions, that way, if the land transfers to another owner, the Town still has the easement.

She noted that all the language about a Homeowner’s Association doesn’t need to be in the ordinance, because there is a State law that applies to them. It was noted that the bylaws would be reviewed by the Town Solicitor.

She noted that Land Trust should be grouped under the Town of West Greenwich rather than as a non-profit organization.

She noted that for the Subdivision Regulations, all the legal document requirements are ok as drafted in the proposed changes.

The Planning Board went over the new proposed changes for the Zoning Ordinance section. They decided that an Open Space Management plan is required for all open space. It was noted that this plan does not need to be extensive, but needs to specify what types of uses, such as passive recreation, are allowed or are not allowed, and should speak to what type of maintenance can be done, like if a tree falls down or if someone wants to take the wood out.

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The Board noted that the uses of kennel and lumber and wood products should not be allowed in the conservation development house lots, even though these are allowed in the RFR-2 zoning district.

The Board did not have a preference for what to call the large lots, either Homestead or Country Property would be fine.

The Board decided to hold off discuss the changes to the dimensional requirements until the end of this discussion.

It was noted that all changes in the use of the Open Space have to be reviewed by the Planning Board as an amendment to the original plan approval, even if it is 10 years later.

It was decided that the improvements to the open space, especially trails, will be the responsibility of the owners of the open space, and not the developer. It was noted that it should be part of the management plan noting how it is going to be improved, and when the plan is turned over to the Homeowner's Association, then it becomes their responsibility.

For the Zoning questions, it was noted that no escrow account will need to be established by the applicant for the open space. It was reiterated that the owners of the open space would be responsible for building trails.

There was discussion on whether each lot should be required to have views of or access to the open space. Ms. Paquet noted that there may be situations where either a view or access would not be available to each lot, such as if the purpose of the development was to preserve a working farm on the other side of the property. She noted that there is no access because it is private property, and there might not be a view of it from the lot. It was noted that this is still a benefit. It was decided to leave this more flexible and add, "where possible."

Back to the zoning dimensions, the Board went over the proposed changes to the Table for dimensional requirements. There was discussion on the minimum amount of open space required for the combination conservation cluster lots with country properties. Chairman Boyer recalled that Mr. Lepak had some comments about this. There was further discussion. The Board wants to continue to discuss the minimum amount of required open space for the developments that would contain both country properties and cluster lots at the next meeting.

It was noted to change the minimum amount of suitable land per lot for the Country Property option to 5 acres.

There was discussion on the Maximum Lot Depth to Width Ratio and it was noted to double check on these.

Adrian Knott, in the audience, asked about how the open space is taxed, if the owner a lot has a tax freeze. It was noted that the tax stabilization is only on the primary house lot and the two-acres it is on, and not on any excess land.

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There was further discussion on the minimum amount of open space required. It was noted that there will be a dry run of the presentation for next month, and have the meeting start at 6:30 p.m. Mr. Berry offered to bring a power point projector.

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The Board went over the proposed schedule of meeting dates for next year and decided to have the December meeting on the 13<sup>th</sup>. Motion to approve 2010 Planning Board meeting schedule. Berry-Ward (5-0).

**Comprehensive Plan**

No discussion.

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 8:25 p.m.

**WEST GREENWICH**  
**December 14, 2009**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on December 14, 2009. Present were: Chairman Mark Boyer, David Berry, and Tim Regan. Brad Ward and Tom O'Loughlin were absent. Alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present. Chairman Boyer called the meeting to order at 6:32 p.m.

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**CONSENT AGENDA (CA)**

Motion to remove all items off the consent agenda. Berry-Regan (3-0)

**Acceptance of Minutes (CA)**

November 16, 2009 Regular Meeting

Motion to approve the minutes. Berry-Regan (3-0)

**Requests for Extension of Approval (CA)**

Request for extension of Preliminary Plan approval: Minor Residential Compound  
“**Bald Hill Residential Compound**” – AP 28, Lots 21 and 22

--Off Plain Meeting House Road; 3 new lots proposed for compound

Applicant/Owners: Brian and Nancy McCoy and Timeless Properties, Inc. (John Carvalho)

- Preliminary Plan approval granted on April 16, 2007

Mr. Carvalho and Mr. McCoy were present. Mrs. Letendre explained the recent legislation which tolls all approvals for land development applications.

**Motion** to reinstate, as of October 20, 2009, the approval for the Residential Compound Minor Subdivision Preliminary Plan entitled, “Bald Hill Compound,” for AP 28, Lots 21 & 22, dated November 2006, revised through 4/2/07, prepared by TJB Engineering and K. Andrews Associates, for Timeless Properties, Inc. and Brian & Nancy McCoy, with the original conditions as granted by the Planning Board on April 16, 2007, and to extend the approval for one year, to expire on October 20, 2010, based on the following findings of fact:

1. The subdivision is consistent with the Comprehensive Plan
2. The Land Development and Subdivision Regulations are substantially the same as they were at the time of the original approval
3. the zoning of the parcel is the same as it was at the time of the original approval
4. the physical conditions on the parcel have changed since the time of the original approval, as the subdivision improvements have been substantially constructed, however there are still items to complete and/or repair as noted in Memo dated August 9, 2007 from Shawn Martin, PE to Jennifer Paquet, Town Planner.
5. any applicable State or federal regulations are substantially the same as they were at the time of original approval, and that the State approvals are still valid.

Berry-Regan (3-0)

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**Request for Bond Reduction, cont.**

“Owl Ridge” AP 51, Orion View Drive

--off Henry Brown Road

Developer: DOSCO, Inc. David Annese

- Status of guardrail/ slope in front of Lot 12

No progress on the guardrail. Chairman Boyer noted he went out to the site today and noticed that the bounds have been reinstalled, but that nothing had been done with the guardrail.

No action taken.

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There was discussion on the Knight Estates subdivision, which is up for sale. It was noted to resend the letter via Certified Return Receipt mail and to record the letter in the Land Evidence Records.

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**PLANNING PROJECTS**

**Conservation Development** – dry run of presentation.

Ms. Paquet gave a power point presentation on the Conservation Design Development. The Board members gave comments on content and logistics of the presentation. It was noted that the joint meeting with the Town Council to give the presentation would be February 8, 2010.

**Comprehensive Plan**

No discussion.

Motion to adjourn. Berry-Regan (3-0). The meeting ended at 7:52 p.m.