

**WEST GREENWICH**  
**January 11, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on January 11, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tom O'Loughlin (7:05 p.m.), and Tim Regan (7:25 p.m.). Alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present (7:17 p.m.). Chairman Boyer called the meeting to order at 7:03 p.m.

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**Acceptance of Minutes (Consent Agenda)**  
December 14, 2009 Regular Meeting

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

**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

Motion to table. Ward-Berry (3-0)

**Conservation Development**

It was noted that the joint meeting will be February 8<sup>th</sup>.

Mr. O'Loughlin arrived at 7:05 p.m.

**Minor Development Plan Review: Preliminary Plan**

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

Mrs. Patricia Walker, PE and Mr. Daniel Cardoso approached the Board. There was noted that the Class 1 Survey requirement was waived at the last meeting. Mrs. Walker noted that the plans before the Board shows the septic system, but since the submission, the system has backed up and they also did some test holes and found a 3 foot water table. She noted that with correspondence with RIDEM and that it will be considered a new application as opposed to an alteration. She explained how what is shown on the plans before the Board will be different and that construction on the system might start before the Planning Board approval due to the emergency.

The Board went over the Town Planner's comments and the comments from the consulting engineer. It was noted that the burning bush would be changed to another shrub. There was discussion on the concern of cars going over the retaining wall. Mrs. Walker noted that she spoke with the Landscape Architect and that there is a double row of plantings there. There was discussion on the lighting plan. There was discussion on the drainage.

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Ms. Paquet arrived at 7:17 p.m.

The Board asked the Town Planner to find out if the consulting engineer has determined if the proposed landscaping is dense enough to be adequate to address the guardrail or bumper stop issue.

There was discussion on the requirements for the Final Plan. It was noted that an As-built of the parking lot and roof runoff drainage will be required, but that the As-built need not be recorded.

**Motion** to approve the Preliminary Plan for the Big River Vet Services structure addition and parking lot expansion, with the following conditions:

1. That the burning bush be replaced with an alternative planting for the landscaping plan
2. That the comments from American Engineering dated 12-22-09 be addressed, and that the Town's consulting engineer address the adequacy of the proposed plantings in regard to the comment about a method to prevent a vehicle from going over the wall.
3. Final approval will consist of a final inspection by the consulting engineer and as-built plans submitted prior to issuance of a Certificate of Occupancy
4. larger scale lighting plan to be submitted for review and approval by the Building Official
5. the Final plan may be reviewed administratively

This motion is based on the following findings of fact:

1. That with the proposed conditions, the plan will conform to the requirements of the Zoning Ordinance and the Land Development and Subdivision Regulations.
2. That the proposed project and development plan meets the general criteria and standards for Development Plan Review, specifically pertaining to landscape, the relationship of proposed structures to the environment, surface water drainage, and on-site parking and circulation. The roof drainage is designed to accommodate for the net increase in runoff
3. That the curbcuts are existing and will remain the same, and no substantial change in traffic is anticipated.

Ward-O'Loughlin (4-0)

It was noted that the layout plan needs to be recorded.

Mr. Regan arrived at 7:25 p.m.

**Comprehensive Plan**

No discussion.

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 7:34 p.m.

**WEST GREENWICH**  
**February 8, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on February 8, 2010. Present were: Chairman Mark Boyer, David Berry, Tom O'Loughlin, Brad Ward (7:13 p.m.), Tim Regan (7:20 p.m.) and alternate Bill Bryan (7:07 p.m.). Alternate William Lepak was absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was also present.

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

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Being 3 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**

January 11, 2010 Regular Meeting

Motion to approve the consent agenda. Berry- O'Loughlin (3-0)

**Public Hearing on Amendment to Comprehensive Plan- in association with Advisory Opinion to Town Council for Zoning District Change: AP 3 Lot 21**

Request to change from RFR-2 to Highway Business

Owner/Applicant: Lewis & Clarke Enterprises, Inc.

Location: 73 Hopkins Hill Road

The applicant was not present. Ms. Paquet reported on the application and her review and findings. She gave a description of the area and noted that this is one of the lots that had a home on it when the Town instituted zoning and designated this area as Industrial, but that the homeowner didn't want to be burdened with taxes for an industrial lot. She noted that the intent was that eventually all these parcels would become Industrial. She explained that the applicant is requesting to change the zoning on the lot to Highway Business, which is technically inconsistent with the text of the Comprehensive Plan, but is not outside the spirit of having that area reserved for business uses, rather than for residential. She explained the minimum lot size requirements for the various zoning districts and noted that this lot is 1.8 acres and would be undersized for Industrial, but that it meets the requirements for Highway Business. She noted that her memo gives additional reasons and support to change to Highway Business, and noted that her recommendation is to change the zoning to Highway Business. She noted that the applicant wants to put a landscaping supply business there and sell shrubs.

Motion to open the public hearing. O'Loughlin-Berry (3-0). Mr. Bryan arrived at 7:07 p.m.

Mr. Paul Kaltschnee, in the audience, representing the Conservation Commission noted that the applicant was not present at their meeting and that they recommended that it be continued until the applicant could answer their questions.

Mr. Berry noted that Highway Business keeps it conforming, but that the applicant should be present. Motion to continue the public hearing to the next regular meeting. Berry-O'Loughlin (4-0).

Adrian Knott, Browns Corner Road, noted that the applicant has already begun site work on the lot. Chairman Boyer noted that the applicant now knows what they have to do.

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**Advisory Opinion to Town Council for Zoning District Change:** AP 48 Lot 2-3 and AP 49, Lot 3

Request to change from partially Highway Business and partially RFR-2 on each lot to all HB on each lot. Owner/Applicant: Best New England, Inc.

Location: corner of Victory Highway and Breakheart Hill Road

Chairman Boyer recused himself from this agenda item.

Mr. Robert Boyer, PLS presented the application to the Board. Mr. Thomas Gotauco and his attorney, Mr. Kevin Brill were present in the audience.

Mr. Boyer explained that residential triangular portion of lot 2-3 is now proposed to remain Residential on the westerly side of the stream, instead of changed to Highway Business, as discussed at the Conservation Commission meeting. He noted that they decided to take the south line from Lot 2-3 and draw it down, and from there west on Lot 3 would stay Residential. Mr. Boyer noted that the wetlands can never be built on.

Mr. Ward arrived at 7:13 p.m.

There was discussion on the wetlands and the wetlands restoration that was consent ordered. Mr. Boyer explained that the blue radius line is for the transient community well, which is the well that supplies the restaurant and the rest of the complex, and that within this radius, there can't be any septic systems. He noted that normally these wells are visited every 3 years by the RI Department of Health, but that due to the truck stop and the pavement, Mr. Gotauco has to have it tested every 3 months.

Mr. Boyer discussed the wetland creating a buffer. He noted that a member of the Conservation Commission questioned that if it stays residential, who would want to build a house there.

Mr. Bryan asked if the area within the well radius can be built on. Mr. Boyer noted that no septic systems can go there, but he didn't know if structures can be built there.

Mr. Paul Kaltschnee, member of the Conservation Commission, in the audience, noted that the Conservation Commission has a recommendation to approve the application with the line drawn down to keep the point Residential and to make the rest of lot 3 and 2-3 as Highway Business.

Ms. Paquet noted that this presentation shows something different than the actual application before the Board, and that the orange area shown on the plan for presentation is something new and that it needs to be reflected in the motion.

Mr. Regan arrived at 7:20 p.m.

The Board took comment from the audience.

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Karen Peltier, 37 Catherine Wright Court, expressed concerns of hearing and seeing the truck stop, and that when trucks park on the residential part of the property that they can smell it. She noted that the people in the development worry about their property values. She also expressed concern of the deforestation in the wetland and its function as a buffer to Catherine Wright Court.

There was discussion on the tree coverage on the lot.

Joe Sipolski, 3 Catherine Wright Court, expressed concerns about what assurances there are about not encroaching on the buffer.

There was more discussion on the buffer and the trees.

Thaylen Waltonen, Town Council member, 610 Weaver Hill Road, suggested having a site visit.

The Board set a site visit for 8 a.m. on Saturday, February 20, 2010 on site. It was noted that this is an open meeting. Attorney Brill noted he has an issue with this and will determine, in the meantime, whether the public should be allowed on the property due to liability issues.

Motion to continue to the March meeting. Ward-O'Loughlin (5-0).

The Board had a 5 minute break at 7:55 p.m.

**Joint meeting with Town Council**

The Planning Board reconvened at 8 p.m. Members present were: Chairman Mark Boyer, Brad Ward, David Berry, Tim Regan, Thomas O'Loughlin, and alternate Bill Bryan. Alternate William Lepak was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present.

Town Council members present were: President Robert Butler, Thaylen Waltonen, Susan Woloohojian, and Kelly Stuart. Mark Tourgee was not present. Town Administrator Kevin Breen was present. Tax Assessor Charlene Randall was also present.

**Conservation Design Development –**  
Presentation to Town Council about Conservation Design Development

Ms. Paquet gave an informational presentation on the basic concepts of Conservation Design Development, including what it can do for West Greenwich, and some of the key features that have been proposed in the draft ordinance. She passed out copies of the slides to the audience. After the presentation there was a question and answer session. Ms. Paquet noted that she is working on an analysis of comparing values for Conservation Development house lots and traditional house lots, which is forthcoming.

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

**WEST GREENWICH**  
**March 15, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on March 15, 2010. Present were: David Berry, Tom O'Loughlin, Brad Ward, and Tim Regan (7:30 p.m.) and (7:07 p.m.). Chairman Mark Boyer and alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was not present. Assistant Town Solicitor Nancy Letendre was present. Vice Chairman Ward called the meeting to order at 7:05 p.m.

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Being 3 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
February 8, 2010 Regular Meeting

Motion to approve the consent agenda. Berry- O'Loughlin (3-0)

**Advisory Opinion to Town Council for Zoning District Change, cont.:**

AP 48 Lot 2-3 and AP 49, Lot 3

Request to change from partially Highway Business and partially RFR-2 on each lot to all HB on each lot. Owner/Applicant: Best New England, Inc.

Location: corner of Victory Highway and Breakheart Hill Road

Continued from February 8, 2010

Mr. Robert Boyer discussed the application and submitted a panoramic assembly of photos showing the plantings along the wetland perimeter restoration. Mr. Thomas Gotauco and his attorney, Mr. Kevin Brill were present in the audience. There were no members of the public to speak on this application.

The Board members noted that they had visited the site individually, and that the proposed zone change would have no significant negative affect to the surrounding community. They also noted that it was important to remove the Highway Business designation from Lot 2-5 to eliminate any possibility of the Highway Business designation spreading down Breakheart Hill Road, and that this would be a benefit to the area.

**Motion** to recommend that the Town Council approves the Zoning Map Change amendment to the Zoning Ordinance for the application of Best New England, Inc. for the properties of AP 48, Lot 2-3 and AP 49, Lot 3, to change a portion of that area zoned Rural Farming Residential 2-acre to Highway Business, as indicated on the amended site plan; and to change the zoning on AP 48, Lot 2-5 to RFR-2 in its entirety, with the condition that access for commercial purposes to AP 48, Lot 2-3, be derived solely from Victory Highway through AP 49 Lots 3 and 2, and based on the following findings of fact, findings of consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning:

*Findings of Fact:*

1. The parcels are currently 35 – 40 percent zoned Highway Business and are contiguous with a Highway Business zoning district.
2. The parcels are under single ownership by a truck stop business, and are partially occupied by such existing business.

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3. The parcels are in close proximity to the interchange of I-95.
4. The parcels are isolated from abutting residentially zoned land to the south and southwest by a natural stream feature.
5. Any development proposal for the site will be required to go before the Planning Board for Development Plan Review.
6. That AP 48, Lot 2-5 is also under the ownership of the applicant, and that the existing zoning of Highway Business on the corner of this parcel amounting to approximately 4,400 square feet out of a 100,000 square foot parcel serves no purpose and shall be made consistent with the predominant zoning designation on the parcel in order to clearly define the boundary between the Highway Business zoning district and the RFR-2 zoning district.

*Consistency with Comprehensive Plan:*

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

Economic Development Goals 2 and 5, and Policies 2, 8, 15, and 20  
Land Use Goal 6, and Policy 16

*Findings of Consistency with the Purposes of Zoning:*

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

1. Promoting the public health, safety and welfare.
2. Providing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
3. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the Comprehensive Plan adopted by the Town of West Greenwich, and which recognizes the natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution

Berry-O'Loughlin (3-0)

**Amendment to Comprehensive Plan- in association with  
Advisory Opinion to Town Council for Zoning District Change,  
Public Hearing, cont.:** AP 3 Lot 21

Request to change from RFR-2 to Highway Business

Owner/Applicant: Lewis & Clarke Enterprises, Inc.

Location: 73 Hopkins Hill Road

Continued from February 8, 2010

Mr. Thomas Clarke and Mr. Kurt Wilcox were present. There were no members of the public to speak on this application. Mr. Wilcox presented a plan for a landscaping and nursery business. The Board noted that the proposal will need to be submitted as a Development Plan application for review and approval by the Planning Board at a later date.

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**Motion** to amend the West Greenwich Comprehensive Plan, Future Land Use Map, as requested in the application of Lewis & Clarke Enterprises, Inc., to reclassify the area of AP 3, Lot 21 from 'Low Density Residential' to 'Highway Commercial' based on the following findings of fact and conditions of approval:

*Findings of Fact:*

1. The parcel is currently zoned for Residential use, which is inconsistent with the goals of the Comprehensive Plan, and is surrounded by Industrial A zoned property.
2. The parcel fronts on Hopkins Hill road, a major arterial, and is in close proximity to the interchange of I-95.
3. The parcel is a 1.8 acre lot with 300 feet of frontage and contains one vacant dwelling unit.
4. The minimum lot size for the Industrial A zoning district is 2 acres, which is not met by the subject parcel.
5. The Comprehensive Plan supports rezoning parcels in this general area to Industrial A, however the subject lot is undersized to meet the minimum needs for an industrial use, which would create a hardship. Rather, the lot can support Highway Business uses, which are otherwise consistent with the Comprehensive Plan and the purpose of the Highway Business zoning district.
6. Any development proposal for the site will be required to go before the Planning Board for Site Plan Review.

*Conditions Approval (required by State Law):*

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

O'Loughlin-Berry (3-0)

**Motion** to recommend to the Town Council the approval of the requested Zoning Map amendment for the application of Lewis & Clarke Enterprises, Inc., dated 12/7/09, for the property of AP 3, Lot 21, to change the zone from Rural Farming Residential 2-acre to Highway Business, based on the following findings of fact, findings of consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning:

*Findings of Fact:*

1. The parcel is currently zoned for Residential use, which is inconsistent with the goals of the Comprehensive Plan, and is surrounded by Industrial A zoned property.
2. The parcel fronts on Hopkins Hill road, a major arterial, and is in close proximity to the interchange of I-95.
3. The parcel is a 1.8 acre lot with 300 feet of frontage and contains one vacant dwelling unit.

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4. The minimum lot size for the Industrial A zoning district is 2 acres, which is not met by the subject parcel.
5. The Comprehensive Plan supports rezoning parcels in this general area to Industrial A, however the subject lot is undersized to meet the minimum needs for an industrial use, which would create a hardship. Rather, the lot can support Highway Business uses, which are otherwise consistent with the Comprehensive Plan and the purpose of the Highway Business zoning district.
6. Any development proposal for the site will be required to go before the Planning Board for Site Plan Review.

#### *Consistency with Comprehensive Plan:*

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

Recent amendment to the Comprehensive Plan Future Land Use Map to designate this lot to Highway Commercial based on the following goals and policies in conjunction with the above findings of fact:

#### **Economic Development chapter**

Goal #3- Encourage compatible economic activities that compliments the rural character of the Town based on the independent principle of self-reliance

Goal #6- Encourage expansion of Industrial activities at or near the Technology Park (same as Land Use Goal #7)

Goal #7- Promote varied economic base and diversity of employment opportunities, recognizing utility limitations where applicable.

Policy 10.- Residential land on the west side of Hopkins Hill Road, north of I-95, shall be analyzed as potential Industrial A area for future use.

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

#### *Findings of Consistency with the Purposes of Zoning:*

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

1. Providing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
2. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the Comprehensive Plan adopted by the Town of West Greenwich

O'Loughlin-Berry (3-0)

Motion to close the public hearing. O'Loughlin-Berry (3-0)

Mr. Ward left the meeting at 7:30 p.m.

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**Community Development Block Grant (CDBG) : 2010 Grant Round**

-- Provide Advisory Opinion to Town Council on proposals

There was discussion on the proposed applications.

Mr. Regan arrived at 7:32 p.m.

Ms. Melina Lodge, Strategic Planner from WARM explained their service to the community and the need for their proposed CDBG activities.

**Motion to** make a finding that the following proposed projects in the 2010 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. Housing Rehabilitation Program
2. Westerly Area Rest Meals shelter Employment/Job Readiness Program
3. Westerly Area Rest Meals Emergency Shelter renovations
4. Westerly Area Rest Meals walk-in refrigerator and freezer unit
5. Housing Information Program
6. Wood River Health Services' Diabetes, Obesity, and Cardiovascular Disease Education and Outreach Program
7. South County Community Action facility renovations
8. Washington County Community Development Corporation operating costs
9. Community Housing Land Trust technical assistance to communities and foreclosure prevention outreach

O'Loughlin-Regan (3-0)

**Development Plan Review: Pre-Application Plan : AP 3, Lot 16**

Site #3 in "Hopkins Hill Industrial Park"

--off Hopkins Hill Road; two 6,000 s.f. buildings for offices with rear storage garage bays

Owner/Applicant: Gansett Associates

Mr. Kirk Pickell Mr. Jeff Butler of Gansett Associates were present. The noted that they want to start on two proposed buildings on site 3 in the park. The Board noted that they will need to submit renderings of the buildings. Mr. Butler noted that with all the rain lately, that there has been no water in the drainage pond. It was noted that the applicant will have renderings with a brick façade to the buildings for the next application.

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**Conservation Design Development –**  
Status of proposed ordinance

The Board asked if anyone has heard any sentiment from the Town Council.

**REPORTS AND SPECIAL ITEMS**

**Notice of Tolling of Approvals: November 2009 RI State Legislation**

-Municipal approvals and permits from Planning Board and Zoning Board suspended between November 9, 2009 and June 30, 2011.

Mrs. Letendre explained that this bill extends valid approvals as of November 2009 until June 30, 2011, plus the amount of time that was left on the original approval. She noted that the State is working to revise the bill with a clarification of what “tolling” means. She noted that the current language is unclear on if this extension applies to new applications, but recommends that they could have vesting until June 30, 2011 or until the normal vesting period, whichever occurs later.

Motion to adjourn. Regan-O’Loughlin (3-0). The meeting ended at 8:00 p.m.

**WEST GREENWICH**  
**April 19, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on April 19, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, and Tim Regan. Tom O'Loughlin and alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present (7:01 p.m.)  
Chairman Boyer called the meeting to order at 7:00 p.m.

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Being 4 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
March 15, 2010 Regular Meeting

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

**Major Residential Subdivision: Final Review**

“Regina Estates” – AP 23, Lots 50, 45-5, and 109-1

--on Regina Drive; 5 new frontage lots

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

The applicant has asked for a continuance to next month to look into the need for a drainage swale along Regina Drive. Motion to continue to next month. Ward-Berry- (3-0, with Boyer abstaining)

**Development Plan Review: Pre-Application Plan: AP 3, Lot 21**

“Hopkins Hill Nursery”

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Mr. Kurt Wilcox and Mr. Thomas Clarke were present.

Chairman Boyer noted that he has received calls over the weekend about why the business has opened without Planning Board approval. It was noted that the Board is going to review the site plans, and will go over with the applicant what could be waived from the Preliminary plan checklist. Chairman Boyer noted they have to address the issues of what the site was like beforehand. The Board went over Ms. Paquet's memo.

Regarding stormwater, it was noted that RIDEM has been out to the site regarding the wetlands issue. The Board noted that RIPDES is not needed. Mr. Wilcox noted that he has not been cited, but that RIDEM told him what to do. There was discussion on the discrepancy that DEM calls the stream an ASSF, yet the plan says there is a wooded swamp and a stream. The Board noted that the wetland edge needs to be flagged and mapped on the Preliminary Plan, and that a wetland biologist needs to classify what it is and state if there is a jurisdictional buffer. Chairman Boyer explained to Mr. Wilcox that the Town regulations require for the file either a permit from RIDEM, or a statement from a biologist, also known as a letter of findings.

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Regarding the pollution prevention plan, the Board required a letter from the applicant stating that pesticides will not be stored on the site.

Regarding the site stabilization, Mr. Wilcox noted he has mulched most of it and will hydroseed the back slope within a few days.

Regarding trash, Mr. Wilcox noted that there are garbage barrels and the trash will be taken to his site on Tiogue Avenue with dumpsters. He noted that he saves the plant pots, and mostly coffee cups and stuff like that would be trash.

Regarding Lighting, Mr. Wilcox noted that there was a lamp post light out front which was there before. It was noted that there would be no outdoor display lighting, but if any is added, it will have to come before the Board. Any lighting for the sign needs to be included on the Preliminary plan.

Regarding parking, it was noted that this needs to be on the Preliminary Plan. Mr. Wilcox noted that there would be half a trailer truck for delivery and noted that there has been no problem.

Regarding site circulation, there was concern over the width of the existing curb cuts for a commercial use. It was noted that the consulting engineer needs to comment on this and if needed, there should be one-ways. It was noted that the dimensions of the curb cuts need to be on the plan.

Regarding the septic, Mr. Wilcox noted there is a leach field and that he thinks Ray Moffit put it in. Chairman Boyer noted that the ISDS application number needs to be submitted or an SSD.

Regarding the sign, it needs to be included during the Preliminary Plan review. Mr. Wilcox might want to pursue a permit with the State for the sign in the right-of-way.

Regarding hours of operation, Mr. Wilcox noted the hours are 8 to 6 Monday through Friday, 9 to 4 Saturdays, and 9 to 2 on Sundays. He noted it slows down after July 4th through the fall, and they might be closed Mondays or Tuesdays, and will be shut down in the winter.

The Board went through the Preliminary Plan checklist and noted the following comments: the zoning district needs to be changed and shown on the plan, a Class 1 survey is required, biologist letter is required, waiver on existing contours, building envelope needs to be shown, waiver on aerial photo and vicinity map, the contours shown on the plan will suffice for the proposed grading plan, need notation of no drainage structures, show the details for erosion and sedimentation control, waiver on landscaping plan as this is a nursery, if there will be lighting it needs to be shown on the plan, need to submit signage plan, Class 1 survey needs to be done, the survey needs to certify the topography (Chairman Boyer will discuss the notation on the plan with the applicant's design professional), copy of ISDS is required. It was noted that the Town's consulting engineer will need to review the plan. It was reiterated that the Planning Board has not granted any approval, and the applicant has acted at this own peril. The Board gave the applicant a copy of the Preliminary Plan checklist with the items that he can ask for a waiver on.

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There was further discussion and clarification on what needs to be done. Given the deadline, the Board will accommodate the applicant for next month's meeting.

**Conservation Design Development –**  
Status of proposed ordinance

The Board asked Ms. Paquet to include the documents in the next packet. It was noted that the Board wants to move forward with sending a recommendation to the Town Council for the proposed amendment to the Zoning Ordinance.

**West Greenwich Affordable Housing**  
Percentage and proposed strategies

Ms. Paquet noted that the current percentage is at 1.9%, but that it is based on 2000 census figures and it will drastically change when the 2010 figures come out and the number is recalculated.

Motion to adjourn. Ward-Berry (4-0). The meeting ended at 8:01 p.m.

**WEST GREENWICH**  
**May 24, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on May 24, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, and Tom O'Loughlin. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet was not present. Assistant Town Solicitor Nancy Letendre was present. Chairman Boyer called the meeting to order at 7:02 p.m.

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Being 5 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
April 19, 2010 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (4-0, with O'Loughlin abstaining)

**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 May or June meeting to address the status of site stabilization to be completed in 2010 spring growing season

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

**Major Residential Subdivision: Final Review**

"Regina Estates" – AP 23, Lots 50, 45-5, and 109-1

--on Regina Drive; 5 new frontage lots

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

Chairman Mark Boyer recused himself. Vice Chairman Ward took leadership of the meeting.

Mr. Maggiacomo was present in the audience.

Mr. Robert Boyer, PLS, addressed the Board. He noted that all of the requirements have been met and that the major thing is the water quality, which will be stipulated on the plan that testing needs to be done prior to a Certificate of Occupancy. He noted that the runoff will be contained and the roof top runoff will all be collected in an underground system. He noted that his client understands all of the stipulations. Vice Chairman Ward noted that the road shoulders also need to be seeded.

There was discussion on when the water tests were done. Mr. Maggiacomo noted that the last test was performed a little over a year ago. There was further discussion.

There was discussion on the need for a swale and the shoulder. It was noted that this will be added to the motion as item 14, to loam and seed the should and to call the Highway Superintendent for approval.

There was discussion on the water treatment provision in the motion. It was noted that no changes are needed to this condition.

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**Motion** to approve the Regina Estates Final Plan for AP 23, Lots 50, 45-5, & 109-1, with the following conditions:

1. That the drainage swale for Regina Drive along the entire frontage of each lot and up to the inlet to the cross culvert at station 9 +00 be properly graded, loamed and seeded, and stabilized prior to recording the final plan.
2. That each well be re-tested for water quality and a proper treatment system be designed prior to issuance of a Building Permit. The treatment systems shall be installed as part of the plumbing system, not after. The water shall be tested again prior to issuance of a Certificate of Occupancy to demonstrate that no VOC's or SVOC's are detected at the tap, and that all other drinking water quality standards are met.
3. All deeds establishing ownership of each new lot shall be recorded along with the Record Plan.
4. All deeds for each lot shall include a Disclosure Statement including the results of the water quality testing, that a copy of the test results can be found at the Town Planner's office, and a notation that further water quality testing of the wells by the homeowners may be necessary to ensure continued compliance with applicable water quality standards, and that this Disclosure statement shall be expressly stated in all deeds of conveyance and future conveyance.
5. All transfer deeds proposed for existing lots AP 23, Lots 46, 45-3, and 45-4 shall be recorded along with the Record Plan.
6. All proposed granite bounds and iron pins shall be installed prior to Recording the subdivision plan, and the site surveyor shall provide documentation for the file that such has been completed.
7. Submit easement document for cistern, including metes and bounds description.
8. The applicant shall pay the Town of West Greenwich \$35,000.00 for the reimbursement expenses on the unfinished section of Regina Drive prior to recording final plan.
9. The applicant shall pay the Open Space and recreation fee per lot, as assessed at time of Recording the final plan. (5 new lots).
10. That the house lots be designed for zero net increase in runoff volume and that infiltration design be shown on each site plan for review by the Town as part of the Building Permit applications. Follow recommendations and requirements of Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc.
11. that site plans are required for each individual lot to be reviewed and approved by the Town, in order to obtain a building permit. All cost of review and inspection shall be reimbursed in full prior to issuance of a Certificate of Occupancy. Site plans shall show the proposed location and grading for the driveways, driveway culverts, the infiltration systems from the Preliminary Plan details, and soil erosion and sedimentation controls. Follow recommendations and requirements of Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc.
12. The Project Review account shall be replenished as needed for review of engineering and inspections.
13. All the lots need adequate bearing capacity of the soil for the location of the house.
14. That the road shoulder shall be loamed and seeded, and shall be approved by the Highway Superintendent.

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This motion is based on the following findings of fact:

1. That the Planning Board finds that the water quality report dated January 12, 2006 by Lincoln Environmental, Inc., indicates that the water quality of the wells met the standards at that time based on the RI Public Drinking Water Standards, however, there are detection limits of volatile organic compounds (and SVOC's) present which suggests that the wells are susceptible to contamination of VOC's. A treatment system designed to treat the current levels and installed prior to the plumbing of the house, is a prudent measure as a barrier of protection in case the standard is exceeded. Given the presence of contaminants, the Planning Board further recommends that the future homeowners of these lots maintain the treatment systems and monitor their water quality regularly.
2. That Regina Drive is an unfinished, unaccepted road proposed for public use, for which the Town has paid construction costs, and seeks to recoup this cost, similarly to the Stubble Brook Road fund.
3. That minimizing increased volume of runoff due to increasing impervious surfaces helps prevent flooding down stream, and that infiltration helps to maintain groundwater recharge.
4. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
5. That each lot in the subdivision conforms to the standards and provision of the West Greenwich Zoning Ordinance.
6. That there will be no known significant negative environmental impacts from the proposed development as shown on the plan, with all required conditions for approval;
7. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
8. That the proposed subdivision lots have adequate and permanent legal access to a public street;
9. That the subdivision, with conditions, provides for safe circulation of vehicular traffic, for surface water run-off control, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and,
10. That, with conditions, the design of building lots, utilities, drainage improvements and other improvements in the proposed subdivision shall minimize flooding and soil erosion.

Berry-Regan All in Favor (4-0)

Chairman Mark Boyer rejoined the Board.

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**Development Plan Review: Preliminary Plan : AP 3, Lot 21**

“Hopkins Hill Nursery”

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Mr. Clarke and Mr. Wilcox were present. Mr. Robert Curran, PLS, was present for the applicant. Mr. Dan Cotta, PE, consulting engineer for the Town from American Engineering was present at 7:15 p.m.

Chairman Boyer noted that a couple things have taken place since the last meeting. He noted that the property has been flagged by a biologist and that the letter of findings state that what was labeled as an ASSF is a stream with a riverbank wetland. He noted that the applicant has submitted a System Suitability Determination which will be submitted to the State. It was noted that one outstanding item is the letter about no pesticides being stored on the site.

It was noted that the comments from the consulting engineer were e-mailed out last week. The Board went over the comments from the engineer. Mr. Wilcox noted that he submitted an application for a Physical Alteration Permit for the sign to the State last week. Mr. Curran noted that they are proposing a one-way, which is not shown on the plan yet.

Chairman Boyer asked if there has been an inspection of the wastewater system yet. It was noted that the Board will need for the System Suitability to come back from RIDEM.

There was discussion on the wetland. Chairman Boyer noted that the Board needs something in writing from RIDEM about the wetland. Mr. Wilcox noted that he spoke to Mr. Cook at RIDEM and asked for something in writing. Mr. Wilcox noted that Mr. Cook said he was not cited and that he will get something to him in writing, but that they are busy. Mr. Wilcox will need to follow-up with RIDEM.

Chairman Boyer noted that the Board can't grant any approval until the septic system, the wetlands, and the traffic are addressed.

There was discussion on the sign.

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

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**Minor Residential Subdivision: Preliminary Plan : AP 8, Lot 30  
and Advisory Opinion to Zoning Board on Frontage Variance**

--off Harry Andrews Road; subdivide two existing houses on one lot into two lots  
Owner/Applicant: William Miller

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

Mr. Pagliarini noted that they are trying to cure the issue of 2 houses on one lot, which have been there for 30 or 40 years. He gave a history of the case and explained the proposed configuration of the lots.

It was noted that the existing driveway easement will remain. It was noted that electrical lines need the easement reference to be shown on the plan.

Chairman Boyer noted that the ISDS is not shown on the second lot and that it needs to be shown. He noted that the applicant needs to apply for a waiver on the lot width. It was noted that the application fee has been paid.

**Motion** to approve the proposed Minor subdivision entitled, "Miller Homestead," for AP 8 Lot 30, dated 5/20/2009, prepared for William Miller, prepared by David Garrigan, PLS, with the following conditions:

1. Pay application fees
2. Need to add zoning district to record plan
3. Obtain Zoning Board approval
4. label all existing buildings, show existing sanitary systems, and wells
5. apply for necessary waivers from Land Development and Subdivision Regulations
6. ensure that the driveways are on their respective properties, or have adequate easements
7. verify the electrical easement to the northeast corner of the property.

This approval, with conditions, is based on the following findings of fact:

1. That two single-family homes are currently on one property and that the Zoning Ordinance prohibits two single-family homes on one property
2. That the proposed subdivision will result in one single-family dwelling per lot.
3. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
4. That each lot in the subdivision conforms to the standards and provision of the West Greenwich Zoning Ordinance, or that a variance shall be sought from the Zoning Board.
5. That there will be no known significant negative environmental impacts from the proposed development as shown on the preliminary plan, as the development is pre-existing;

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6. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. That the proposed subdivision lots have adequate and permanent legal access to a public street;
8. That the subdivision provides for suitable building sites.
9. That the design and location of building lots, utilities, and other improvements in the proposed subdivision shall minimize flooding and soil erosion.

Ward- Regan (5-0)

**Motion** to send a recommendation to the Zoning Board to approve a reduction in frontage to no less than 50 feet as shown on the plan dated May 20, 2010, prepared by David Garrigan, PLS, and that the plans be revised as required by the Planning Board as stipulated.

Ward-Regan (5-0)

**Conservation Design Development –**  
Status of proposed ordinance

Chairman Boyer noted that a motion is in the packets, but that it is too early to vote because the Board has not had a chance to discuss the changes. He asked that Ms. Paquet send a final draft to the Board for review and discussion at the June meeting. He noted that he might ask for a special meeting to act on this sooner rather than later, and that it should be a priority.

**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 street tree plantings per April 27, 2009 approval

No one was present for this item. Motion to continue to the June meeting, and to inform the applicant that he must be present. Ward-O’Loughlin (5-0)

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

## **WEST GREENWICH**

**June 22, 2010**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Tuesday, June 22, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, and Alternate Bill Bryan. Tom O'Loughlin was absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:04 p.m.

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Being 5 members present, it was determined that there was a quorum.

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

May 24, 2010 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (3-0, with Boyer and Bryan abstaining)

#### **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 May or June meeting to address the status of site stabilization to be completed in 2010 spring growing season

Mr. Manny Timoteo from the BMX club was present. Mr. Dan Hebert, owner of the property, was also present in the audience. Mr. Timoteo explained that they planted grass along the fence line and that the grass is coming up. Ms. Paquet noted that she visited the site on June 7, 2010 and noted that there is grass growing on the back sides of the berms also, but that the whole parking lot area is not completed in accordance with the plan. She noted that the Zoning Board had a requirement that boulders be around the parking area. Chairman Boyer asked how much damage was done to the parking lot with all the recent rain that we've had. Mr. Timoteo noted that it gets washed out from the road, but that it is not too bad. He noted that it did not take them long to get back in shape. There was discussion on flooding and drainage at the site.

Chairman Boyer asked for a time estimate on when the boulders would be installed. Mr. Timoteo noted it would be at the end of the season. It was noted that the applicant needs to come back in October. He noted that if there is erosion that they need to use haybales and silt fence.

#### **Development Plan Review: Preliminary Plan : AP 3, Lot 21**

“Hopkins Hill Nursery”

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Chairman Boyer noted that there was a brief discussion with Mr. Clarke prior to the meeting at which time Mr. Clarke submitted a copy of the application to RIDEM for the septic system to the Board. Chairman Boyer noted that if the applicant does not comply with the requirements by July that a letter should be sent to the Building Official.

Motion to continue to the July meeting. Ward-Regan (5-0)

**WEST GREENWICH**  
**June 22, 2010**  
**PLANNING BOARD MEETING**

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**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 street tree plantings per April 27, 2009 approval

Mr. Dan Hebert was present. Mr. Hebert noted that the street trees for the access road have not been installed. He asked for suggestions from the Board noting concerns of a drop-off to the detention pond, runoff from the road, and snow plowing. Chairman Boyer noted that the street trees are shown on the approved plan. There was discussion. It was noted that additional trees had been planted elsewhere on the site. Mr. Hebert noted that there were changes from the plan and pointed out where things were different on the landscaping. Upon reviewing the plan for the designated trees, there was concern about the sustainability of the plum ornamentals. There was discussion on the configuration of the access road as constructed versus as shown on the approved plan. The Board decided to allow the relocated trees to count towards the total landscaping. Chairman Boyer asked for a revised plan of an As-built to show the revised landscaping and reconfigured access road for the July meeting.

Motion to continue to the July meeting. Ward-Regan (5-0)

**Minor Residential Subdivision: Final Plan : AP 8, Lot 30**

--off Harry Andrews Road; subdivide two existing houses on one lot into two lots  
Owner/Applicant: William Miller

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

Chairman Boyer noted that there needs to be notation about the easement for the driveway and what is going to happen with it. Mr. Pagliarini noted that they plan to move the driveway so that there is no encroachment. Chairman Boyer noted that a note is needed on the plan about that. There was discussion on what needs to be shown on the plan. Chairman Boyer had handed Mr. Pagliarini a list of items that need to be addressed for the recorded plan.

Mr. Pagliarini passed out a sheet with the requested waivers. He noted that some of them are addressed by the variance that was granted by the Zoning Board last week. There was discussion on the waivers. It was noted that many of the requirements can't be met due to the configuration of the parcels and the existing homes. It was noted that the Zoning Board approval should be noted on the Record Plan. Chairman Boyer noted all the other checklist items, like abutters, need to be on the plan. Mr. Ward questioned the use of the trailer. It was noted that it was a storage trailer, and that this should be noted on the plan so that there is no confusion about the use of the trailer.

**WEST GREENWICH**  
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**Motion** to approve the proposed Minor subdivision entitled, “Miller Homestead,” for AP 8 Lot 30, dated 5/20/2009, prepared for William Miller, prepared by David Garrigan, PLS, with the following conditions:

1. Pay application fees
2. Need to add zoning district to record plan
3. Notate the Zoning Board approval on the plan
4. label all existing buildings, show existing sanitary systems, and wells, and label the trailer as a storage trailer
5. apply for necessary waivers from Land Development and Subdivision Regulations
6. ensure that the driveways are on their respective properties, or have adequate easements
7. annotate the electrical easement to the northeast corner of the property
8. any and all recorded plans shall be subject to review, comments and approval by an administrative action by the Chair of the Planning Board with the Town Planner
9. all final plan checklist requirements need to be met

This approval is based on the findings of fact 1 through 9.  
Ward- Regan. Motion is on the table. Motion tabled.

**Motion** to accept the waivers as presented. Ward-Berry (5-0)

Mr. Ward’s tabled motion revisited. Chairman Boyer called for a vote. All in favor (5-0).

**Conservation Design Development –**  
Advisory Opinion to Town Council on proposed amendment to Zoning Ordinance

There was discussion on the proposed amendment to the Zoning Ordinance. The following changes were discussed and agreed upon:

1. The Board decided to remove the language from the definition of ‘cluster’ pertaining to ‘except where local ordinance provides incentives,’ noting that the Town is not offering incentives.
2. page 3, 4 a, added the word ‘cluster’
3. page 3, 4 b., need to add to golf courses, “including practice driving areas and practice putting greens,” but to note that “stand alone driving ranges or miniature golf establishments are not allowed.” It was noted that this needs to be repeated on page 4 in section 7 also.
4. regarding the language on page 3 section 4 b 5 on golf courses reading, “their parking areas and any associated structure shall not be included within the 50 percent minimum open space requirement,” it was noted that the result of this is that the accessory amenities of the structure or parking area for a golf course would subtract from the number of residential lots, and it was decided to leave the language as it is written in the document.

## WEST GREENWICH

June 22, 2010

### PLANNING BOARD MEETING

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5. regarding the buffer of 100 feet for playing fields from abutting properties, it was clarified to change this to read “abutting property lines.”
6. there was discussion regarding the potential inclusion of other accessory uses to the residential homestead lots, and it was decided keep the language as it is proposed, to not allow bed and breakfasts, wood products, and kennels.

The above changes were incorporated into the document to be forwarded to the Town Council.

**Motion** to recommend to the Town Council the adoption of the proposed amendments to the Zoning Ordinance to enable the creation of Conservation Design Developments within the Town of West Greenwich, based on the following findings of fact:

1. The proposed amendments are consistent with the Comprehensive Plan, specifically the following Goals, Policies, and Implementation items:
  - a. Natural Resources Goals 2 and 5, Policies 1, 4, 9, 10, 12, 17, & 18, and Implementation Items Policy 18 Implementation. 2 & 3, Goal 2 . I. 2.
  - b. Cultural & Historic Resources Goals 1 & 2, Policy Item 4., Implementation Item 8.
  - c. Housing Goals 2 & 5, Policy Items 1 & 2.
  - d. Open Space & Recreation Goals 2, 3. 5. 6. 7. & 10. Policy Items 1, 2, 5, 6, 7, 10, 12, & 13; Implementation Item Policy 10, I. #1.
  - e. Land Use Goal 1, Policy Items 4, 5, 10, 11, 19, & 23; and Implementation Items Goal 1 Implementation # 2, Policy 7 I #3, P. 9 I #2, and Policy 19, Implementation # 1.
2. The proposed amendments recognize and consider each of the following applicable purposes of zoning:
  - a. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the West Greenwich Comprehensive Plan, the natural characteristics of the land, including its suitability for use based on soil characteristics and topography; and the use of innovative development regulations and techniques.
  - b. Providing for the protection of the natural, historic, cultural, and scenic character of the Town.
  - c. Providing for the preservation and promotion of agricultural production, forest, silviculture, timber resources, and open space.
  - d. Promoting a high level of quality in design in the development of private and public facilities
  - e. Promoting implementation of the Comprehensive Plan

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

## **WEST GREENWICH**

**June 22, 2010**

### **PLANNING BOARD MEETING**

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There was discussion on the proposed language to the Land Development and Subdivision Regulations. Chairman Boyer expressed concern over the language proposing to require that a Landscape Architect or a Physical Planner be required in the design process, especially considering that physical planners are not recognized by any licensing board in the State of Rhode Island. The Board agreed that any appropriate qualified design professional could design the plans.

There was discussion on incorporating native species and drought tolerant species as requirements. Ms. Paquet noted that there is language to this effect recommending that native species and drought tolerant species be used, and that the Landscaping section of the Land Development and Subdivision Regulations would apply to Conservation Design Developments. Mr. Bryan asked if the Town has eliminated the use of irrigation. Ms. Paquet noted that the Town does not specifically prohibit irrigation.

The Board noted they would try to send comments to Ms. Paquet ahead of the next meeting.

Motion to adjourn. Ward-Bryan. (5-0) The meeting ended at 8:31 p.m.

## **WEST GREENWICH**

**July 19, 2010**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, July 19, 2010. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Tom O'Loughlin and Alternate Bill Bryan. Brad Ward was 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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Being 5 members present, it was determined that there was a quorum.

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

June 22, 2010 Regular Meeting

Motion to approve the consent agenda. Berry-Regan (4-0, with O'Loughlin abstaining)

#### **Development Plan: Status Update for Final Review, cont.**

"West Greenwich Town Pizza" AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval. As-built plans for access road and other changes to plan

It was noted that no plans have been submitted yet. Motion to continue to next month and to send letter to applicant informing of presence required. Berry-Regan (5-0).

#### **Development Plan Review: Preliminary Plan, cont. : AP 3, Lot 21**

"Hopkins Hill Nursery"

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Mr. Thomas Clarke, owner, and Mr. Kurt Wilcox, applicant, were present. It was noted that the letter from RIDEM regarding the wetland had been received and is in the file. It was noted that the stone retaining wall is not blocking the exit. Chairman Boyer expressed concern about the investigation on the septic system and noted that it needs to be known whether the galley is rated for H-20 loading. The concern is if the galley has adequate bearing capacity for the cars to drive over the system in the parking lot.

**Motion** to approve the Preliminary Plan for AP 3, Lot 21 for the Hopkins Hill Nursery on Hopkins Hill Road, and to waive the Landscape plan, based on the finding of fact that the site plan meets the criteria for Development Plan Review, and with the conditions that the loading rating on the galley for the septic be determined. The final plan may be approved administratively by the Town Planner. Berry-Regan (5-0) all in favor. It was noted that the final plan can not be approved if the galley is not H-20. Mr. Wilcox noted that he has applied to the State for the sign. It was noted that as long as it meets all the other requirements it does not need review by the Board.

**WEST GREENWICH**  
**July 19, 2010**  
**PLANNING BOARD MEETING**

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**Development Plan Review: Pre-application Plan: AP 4, Lot 21**

“McLellan Page, Inc.”

--on Mishnock Road; RFR-1 Zone- expansion of existing non-conforming machine shop business

Owner/Applicant: Wayne & Dianne McLellan

Chairman Boyer recused himself from this agenda item.

Mr. Tim Behan, PE with TJB Engineering approached the Board. Mr. Wayne McLellan was present in the audience. Mr. Behan explained the existing site features and showed the proposed structures. He pointed out that the parking would remain in the front and there is a loading area between the buildings. He noted that the rooftop runoff will be underground in two subsurface drainage systems for infiltration.

Mr. Behan explained that the site has public water and there is a fire hydrant across the street. He noted that there will be no change in employees, and that the new structures will allow more room for the workers and machines. He noted that they will need a Special Use Permit since this is an expansion of a non-conforming use. Mr. Behan showed the proposed elevations of the building. He noted that the septic is sized for 10 people and there are currently 6 employees so there is capacity. It was noted that there is a lace mill next door. Mr. McLellan explained the use and operation of the site. He noted that the machines are automated, unmanned, and computerized. He noted that his shipping and loading would not change. He noted that they make breathing apparatus for fire-fighting equipment, warning whistles and bells for air tanks, medical pumps, and aeronautical connectors. He noted that the new building will make them more organized and efficient. He noted that there is no hazardous material or byproduct waste. He noted that the machine oils are sent to a haz-mat company for disposal.

It was noted that there are residential abutters across the street and a wooded area and a driveway to the rear and side. Mr. McLellan noted that by moving the building into the back, and being an environmentally enclosed air-conditioned and ventilated building year-round, that there will be less noise. He noted that the machines run 24 hours a day, seven days a week, but there is only one shift with employees and at night the machines run on their own.

Mr. Behan noted that they are proposing exterior lighting over the doorways and garage doors. Mr. McLellan noted that they use motion detectors. Mr. Berry noted that there should be no lights off the property.

It was noted that the applicant is also seeking a waiver for the Landscape plan. Mr. McLellan noted that they would prefer to do whatever the Town requires for landscaping themselves. He noted that they also plan on remodeling the front of the building so that it will be more appealing. The Planning Board noted that they will decide on the Landscaping plan at the Preliminary review stage, after they know more about the project. It was noted that the Zoning Board may require something also as a buffer.

## WEST GREENWICH

July 19, 2010

### PLANNING BOARD MEETING

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#### **Request for Reinstatement of Preliminary Plan approval granted on September 17, 2007 and Advisory Recommendation to Zoning Board for Variances**

Development Plan Review: Preliminary Plan

“Centrex”- AP 3, Lot 14; off Hopkins Hill Road; addition to existing warehouse proposed;  
Zoning dimensional variances requested; Owner: Centrex Distributors, Inc

Mr. Steve Shap from Stahlman Group approached the Board. Mr. Frank Parella, of Centrex, was present in the audience. Mr. Shap gave an overview of the original proposal. There was discussion on the park-and-ride, and the time-frame for construction on the project.

**Motion** to recommend approval to the Zoning Board for the requested variances for the application of Centrex Distributors, Inc. at AP 3, Lot 14 pertaining to percent building coverage and percent impervious coverage, dated 6/14/10, based on the following findings of fact:

1. That denial of the proposed increase is more than a mere inconvenience with regard to the long range business plans for the ability of Centrex to expand as a business within Town.
2. That the proposed project is consistent with the Comprehensive Plan of the Town of West Greenwich, particularly with regard to the Future Land Use Map designating this area as future Industrial A uses, and with Economic Development Goal #6, “Encourage expansion of Industrial activities at or near the Technology Park, ”
3. That granting the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan
4. That the applicant has made progress in obtaining additional land to accommodate the proposed expansion, and to seek the least relief necessary.
5. That additional stormwater runoff will be adequately attenuated.

Berry-O’Loughlin (5-0)

**Motion** to grant a reinstatement of the Preliminary Plans dated July 17, 2007, revised June 7, 2010, for the proposed Centrex Warehouse Expansion, prepared for Centrex Distributors, Inc., prepared by Stahlman Group and Garofalo & Associates, Inc., with all of the original conditions of approval as granted by the Planning Board on September 18, 2007. This reinstatement shall be vested for a period of one year. This request is granted based on the following findings of fact:

1. The proposed project is consistent with the Comprehensive Plan of the Town of West Greenwich, particularly with regard to the Future Land Use Map designating this area as future Industrial A uses, and with Economic Development Goal #6, “Encourage expansion of Industrial activities at or near the Technology Park, ”
2. The Land Development and Subdivision Regulations have been amended one time since the original approval. The major changes pertained to landscaping requirements and stormwater design. The proposed plan adequately addresses these items.
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 original approval
5. any applicable State or federal regulations are substantially the same as they were at the time of original approval.

Berry-O’Loughlin (5-0)

**WEST GREENWICH**  
**July 19, 2010**  
**PLANNING BOARD MEETING**

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**Conservation Design Development –**

Review draft of proposed changes to the Land Development and Subdivision Regulations

Ms. Paquet explained that the changes are shown in strike through and underline, and that they include the changes as discussed at the last meeting along with updates to reflect recommendations from the new Rhode Island Conservation Easement Guidance Manual.

There was discussion on the site walk and when the centerline of the road needs to be staked. It was noted that there would be site walks at pre-application and at Master Plan stage and that at Master plan the centerline should be staked. It was noted that the Board generally requires this anyway.

The Board went over the items in the memo.

1. It was noted that the drainage areas need to be separate easements, not part of the conservation easement.
2. It was noted that the trails and other improvements have to be constructed before the sale of any lot.
3. there was discussion on protection of the conservation easement area during construction, and who is going to monitor and inspect this. It was noted that the surveyor needs to stake and mark the conservation area in the field. It was noted that this and the trail and other easement improvements need to be included in the bond, and that the engineer needs to inspect during construction. It was noted that the bond has to cover items 2 and 3 and that there have to be periodic inspections. There was discussion on trail design standards and that a reference needs to be included. There was discussion on ADA standards for the trails and aiming for reasonable accommodations.
4. It was noted that the Town Solicitor will review the Homeowners' Association Bylaws. The developer would become the first party of the association, and as the lots are sold the responsibility is transferred. It was noted that the performance bond will cover maintenance of the common areas until the plan is recorded, and then the maintenance bond will cover it until the Association takes over.
5. no endowment is needed- the steward and owner of the open space will need to make provisions.

Ms. Paquet noted that she still has to go over pages 7 and 8 with the Solicitor. It was noted that the Town Council has scheduled the public hearing for the amendments to the Zoning Ordinance for their September 8, 2010 meeting. The Board will schedule a public hearing for the September meeting, after the Town Council hearing is opened. Ms. Paquet noted that some changes are needed to the proposed zoning to make it consistent with the changes in the subdivision regulations. She noted that she will prepare a memo on this.

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

**WEST GREENWICH**  
**August 16, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, August 16, 2010. Present were: Chairman Mark Boyer, David Berry, Tim Regan, and Tom O'Loughlin. Brad Ward 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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Being 4 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**

July 19, 2010 Regular Meeting

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

**Development Plan: Status Update for Final Review, cont.**

“West Greenwich Town Pizza” AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval. As-built plans for access road and other changes to plan

No one was present for the applicant.

It was noted that the plans were received on Friday, but that they don't show the access road. The Board directed the Town Planner to send a letter noting that the plan needs to be a true as-built survey of the parking lots, the access road, and needs to show the other changes to the approved plan including the landscaping changes and if any changes were made to the detention pond. It was noted that it needs to show these things in relation to the property lines and with tie-ins.

Motion to continue to next month and to send letter to applicant informing of presence required. Berry-Regan (4-0).

**Conservation Design Development –**

Review draft of proposed changes to the Land Development and Subdivision Regulations

Review of revised draft and advisory opinion to Town Council on Zoning amendment

Ms. Paquet explained that the changes to the Zoning Ordinance proposal are to incorporate the information about conservation easements from the RI Conservation Easement Guidance manual.

**Motion** to recommend to the Town Council the adoption of the proposed amendments to the Zoning Ordinance to enable the creation of Conservation Design Developments within the Town of West Greenwich, based on the following findings of fact:

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1. The proposed amendments are consistent with the Comprehensive Plan, specifically the following Goals, Policies, and Implementation items:
  - a. Natural Resources Goals 2 and 5, Policies 1, 4, 9, 10, 12, 17, & 18, and Implementation Items Policy 18 Implementation. 2 & 3, Goal 2 . I. 2.
  - b. Cultural & Historic Resources Goals 1 & 2, Policy Item 4., Implementation Item 8.
  - c. Housing Goals 2 & 5, Policy Items 1 & 2.
  - d. Open Space & Recreation Goals 2, 3. 5. 6. 7. & 10. Policy Items 1, 2, 5, 6, 7, 10, 12, & 13; Implementation Item Policy 10, I. #1.
  - e. Land Use Goal 1, Policy Items 4, 5, 10, 11, 19, & 23; and Implementation Items Goal 1 Implementation # 2, Policy 7 I #3, P. 9 I #2, and Policy 19, Implementation # 1.
  
2. The proposed amendments recognize and consider each of the following applicable purposes of zoning:
  - a. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the West Greenwich Comprehensive Plan, the natural characteristics of the land, including its suitability for use based on soil characteristics and topography; and the use of innovative development regulations and techniques.
  - b. Providing for the protection of the natural, historic, cultural, and scenic character of the Town.
  - c. Providing for the preservation and promotion of agricultural production, forest, silviculture, timber resources, and open space.
  - d. Promoting a high level of quality in design in the development of private and public facilities
  - e. Promoting implementation of the Comprehensive Plan

Berry- O'Loughlin (4-0)

There was discussion on the proposed amendments to the Land Development and Subdivision Regulations. Changes were made to specify that the restriction on the land disturbance applies to the open space land as opposed to the developable land, to remove more references to Landscape Architects, and changes to the wording regarding formal wetlands approvals in the Yield Plan section. It was also decided to add a requirement that a sheet be recorded with the record plan showing the conservation features. The Board asked to have the checklists included with their packet for next month.

**Motion** to set a public hearing for the proposed amendments to the Land Development and Subdivision Regulations to incorporate the provisions for Conservation Design Developments for September 13, 2010 at 7 p.m.. O'Loughlin, Berry (4-0).

Motion to adjourn. Berry - O'Loughlin (4-0) The meeting ended at 7:53 p.m.

**WEST GREENWICH**  
**September 13, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, September 13, 2010. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Brad Ward, Tom O'Loughlin (7:50 p.m.), and Alternate Bill Bryan (7:01 p.m.).

Town Planner Jennifer Paquet was present.

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

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Being 4 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**

August 16, 2010 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (3-0) w/ Ward abstaining.

Mr. Bryan arrived at 7:01 p.m.

**Development Plan: Status Update for Final Review, cont.**

“West Greenwich Town Pizza” AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval. As-built plans for access road and other changes to plan

No one was present for the applicant. It was noted that no plans have been submitted. Motion to continue to the October meeting. Ward-Regan (5-0)

**Major Land Development Project:**

**Pre-application Plan and Advisory Opinions AP 1, Lot 4-3**

“Firestone Tire and Auto Repair” new structure and related site improvements in Exit 7 SMD

--Centre of New England Boulevard

Owner/Applicant: Commerce Park Realty LLC; Applicant: Bismarck Real Estate Partners

--Advisory Opinion to Town Council for amendment to Zoning Ordinance Use Table

--Advisory Opinion to Zoning Board for Special Use Permits

Chairman Boyer recused himself. Vice Chairperson Ward presided over the meeting.

Attorney Wyatt Brochu approached the Board. Mr. Benjamin Caito, civil engineer from John P. Caito Corporation and Mr. Bruce Moran, applicant, were present. Mr. Brochu gave a brief overview of the project. He noted that they are looking to subdivide a lot out of Lot 4-3 for the proposed use of retail tire sales and an automobile repair business. He noted that they will need a Special Use Permit and a text amendment to the Zoning Ordinance for auto repairs.

Mr. Ben Caito, PE, gave an explanation of the location of the site across from BJ's, and noted that the proposed access is at a signalized intersection at the existing intersection of Universal Boulevard in Coventry and the Centre of New England Boulevard. He noted that the access road

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would be located on the existing Lot 4-3, with an access easement to the newly created lot. He noted that there is a proposed access easement through the site to access an area to the south of the site for future development and he pointed out that there is an existing sewer force main that runs parallel to the property line and a landscaping easement along the front of Centre of New England Boulevard for any improvements that may need to be made in the future.

Mr. Caito noted that the proposed site meets all of the zoning requirements for setbacks, parking, and ADA regulations. He noted that there is public water and sewer and that they will need to go through those approvals. He noted that the stormwater will be handled with a system of interconnecting catch basins and pipes. He noted that there is existing infrastructure to convey the runoff to the existing stormwater detention pond in Coventry, behind the Home Depot. He noted that the design incorporated a 90% impervious cover.

Mr. Ward asked about the potential easement access to the lot in the back and asked if there are plans for that area now. Mr. Caito noted that they are just putting things in place for future development and that there are no plans for it now. Mr. Ward noted that any traffic patterns would have to be addressed at the time of future development and that the easements proposed today may not be adequate.

Mr. Ward asked about the automobile use and oil interceptors and contaminants and asked if there are any monitoring requirements or RIDEM permitting. Mr. Caito noted that he didn't know the specifics of RI DEM's permitting requirements for inspections, but that they will address it for the Preliminary Plan.

Mr. Bryan questioned the size of the lot area left in the rear, where utility connections are being shown for future development, and noted that he is not in favor of further subdividing the rear portion of the property. It was noted that if the property line were extended for the area to the south, it would be less than one acre. It was noted that it could not be subdivided, but that it could be developed if it was part of the bigger lot. Mr. Brochu noted that they are not proposing any other subdivision other than the Firestone lot. Mr. Bryan expressed concern that the plan looks like someone was thinking to extend the opportunity to make a separate lot back there. There was further discussion on this concern. The Board noted they'd like to limit the pavement to prevent this. The Board noted that they would not support an undersized lot back there.

Mr. Caito noted that the drainage from Interstate 95 was factored in to the drainage design that was approved by RIDEM, and that they also have a Physical Alteration Permit from the RIDOT for it.

There was discussion on landscaping, signage, and lighting, and that all of these items need to be included with the Preliminary plans.

It was noted that Kent County Water Authority will not consider the application until the Preliminary stage. It was noted that there is existing sewer capacity available. It was noted that the applicant will proceed next to the Town Council for the amendment to the Zoning Ordinance, and to the Zoning Board for the Special Use Permits.

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**Motion** to recommend to the Town Council the amendment to the Zoning Ordinance use table to change the use of “633 Auto Repair Shop” from Prohibited to allowed by Special Use Permit as requested in the application of Commerce Park Realty, LLC and Bismarck Real Estate Partners dated August 19, 2010, based on the following findings of fact, consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning:

*Findings of Fact:*

1. The parcel is currently zoned ‘Exit 7 Special Management District.’
2. The parcel is currently vacant.
3. The parcel is in close proximity to the interchange of I-95 for vehicular access, and directly abuts said highway.
4. The parcel is located in the center of a commercial development, with a (vacant?) day care center abutting to the east and two restaurants farther to the east, vacant land to the west, the interstate highway to the south, and ‘big-box’ commercial development to the north across the Centre of New England Boulevard.
5. Development proposed for the site for an auto repair shop will be required to go before the Planning Board for review.

*Consistency with Comprehensive Plan:*

The amendment is found to be consistent with the Comprehensive Plan, particularly Economic Development Policies 2 and 15

*Findings of Consistency with the Purposes of Zoning:*

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

1. Promoting the public health, safety and welfare.
2. Providing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
3. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the Comprehensive Plan adopted by the Town of West Greenwich.

Berry-Regan (4-0)

**Motion** to recommend to the Zoning Board the approval of the Special Use Permit for the proposed uses of 553 Tire Dealer and 633 Auto Repair Shop, as requested in the application of Commerce Park Realty, LLC and Bismarck Real Estate Partners dated August 19, 2010 and August 23, 2010, based on the finding of fact that the proposed development must be reviewed by the Planning Board, and based on the condition that any conditions imposed by the Zoning Board shall also be addressed on the development plans, and on the condition that the Town Council approves the text change.

Berry-Regan (4-0).

Chairman Boyer rejoined the Board and presided over the meeting.

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**PUBLIC HEARING**

**Conservation Design Development** – proposed changes to the Land Development and Subdivision Regulations to incorporate Conservation Design Developments

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

Ms. Paquet gave an explanation of the proposed amendments. She noted that tonight's public hearing is to add Conservation Design Development regulations into the Land Development and Subdivision Regulations, which governs the review process and the design requirements such as road design and lot shapes. She noted that we have been working on this for the past two years together with the proposed amendments to the Zoning Ordinance. She noted that the proposed changes are to encompass everything that has to do with implementing Conservation Design Development into Town, including special review stages and requirements, such as a yield plan for a conventional subdivision. She noted that in Conservation Design Developments there are no more lots allowed than there would be in a conventional subdivision, and that all we are doing is rearranging those lots within the parcel, locating them onto the most suitable soils, and in the process, a good chunk of land is preserved for open space. She noted that this open space would only be open space for a reason that the Planning Board would determine is worthwhile to preserve. She noted that the open space is going to be something that someone will have to take care of and steward, and that it shouldn't be created if nobody wants to take care of it or maintain it, as there are responsibilities involved.

Chairman Boyer noted that the Board has been working on this for at least the past two years, and that one of the things that prompted this is that a number of subdivisions that have come before the Board over the past few years, although they complied with the subdivision regulations, they were not the best design or use of the properties. He noted that Knight Estates is a good example of that, and the Regnaire property, and Orion View. He noted that the Planning Board wanted to be able to come up with something that was better suited for properties with more constraints, and that is one of the things the Board is trying to accomplish with Conservation Developments. He reiterated that there are no bonus lots, and that the applicant will have to prove to the Board the number of lots with the yield plan. He noted that another feature is that a developer can't just do a Conservation Development and that the Planning Board has to determine if a Conservation Design Development will be beneficial to the Town. He noted that these features are the two key elements of our proposed regulations.

Chairman Boyer opened the hearing to public comment.

Councilman Thaylen Waltonen, asked if it would be mandatory or voluntary and how it would work. The Board noted that they have the power to make it required or not allowed, and that this is written in the regulations.

Mr. O'Loughlin arrived at 7:50 p.m.

Councilman Waltonen asked about some examples in Town, and what is meant by cluster, cluster lot, and homestead lot. The Regnaire land was noted as an example. Chairman Boyer

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also noted the 50 acre parcel on the corner of Sharpe Street and Route 102 that has been for sale, and noted that there is a large wetland on the property along the front of the road that wraps around the corner. He noted that he did a survey for the owner and that he has some knowledge of what is there and he noted that it is a beautiful piece of property. He noted that for somebody to do a conventional subdivision and just draw lines through the wetlands would be an injustice to the property. He noted he would like to see that as conservation development because of the issues with Ambrose Knight road and to keep the perimeter of the property untouched with the houses on the interior. He gave another example of the Lillian Regnaire land, where the developer was almost done with their approval process, and they wanted to redesign the subdivision to be a Conservation Development. He noted that that would have been a much better design for that property.

Ms. Paquet explained the definitions for cluster, cluster lot, and homestead lots. She noted that Conservation Developments are a type of cluster subdivision. She explained that there are two types of lots being proposed, the homestead lots and the cluster lots. She noted that the cluster lots are the ones that are proposed for a minimum lot size down to one acre, and is a way to differentiate them from a conventional lot. She noted that the homestead lots are another option where, for example, there is a historic farm house with a working farm, and there would be open space, but it is not open space that is going to an organization. She noted there would be a house there and someone would still live there, but they would have 50 or 100 acres, and that this could be called a homestead lot. She noted that this is an example using a split where half the subdivision is the small cluster lots, and the other half is the one large lot with the existing home, and it is all private ownership. She noted that this can also be mixed, where there is a ten lot subdivision, and instead of having ten small lots clustered on one part with one big open space, that if the open space isn't suitable for Town ownership, it could work out where every individual house had ten acres or more. She noted it would sort of be like a Residential Compound, but instead of 5 acre lots, they would be 10 acre lots. It was noted that these homestead lots could not be further subdivided.

Chairman Boyer noted that the roads in Conservation Development are all public roads. Ms. Paquet pointed out that on page 11, section 3, item 2 of the draft, that it proposes homestead lot developments could be private roads, and asked if the Board wanted to change this. There was discussion. The Board decided to keep them all public roads with Town road standards. It was decided to strike this paragraph in section 3, item 2 on page 11, so that all Conservation Design Developments have public roads to Town standards.

Councilman Waltonen asked more about the Homestead lots and if it means an old farmhouse and asked if there are any examples of this in Town. He also asked about the 11 acres for the Open Space and if there is something that alluded to relief on taxes. Ms. Paquet explained that in the definition for homestead lot, that we are requiring a minimum of a 10 acre lot, but that there is reference that the applicant might want to make it a minimum 11 acre lot, because an 11 acre lot is required in order to qualify for the Farm, Forest, and Open Space tax program. Councilman Waltonen asked if it is supposed to be 12 acres because we have two acre zoning. Ms. Paquet explained that the law only allows us to count a maximum of one acre. Ms. Paquet noted that she can get a copy of the laws to Councilman Waltonen.

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There was further discussion on the homestead lots. It was noted that there could be more than one homestead lot in a development and that they can be new lots, not just a homestead lot for the existing home.

There was discussion about the process and yield plans. Chairman Boyer noted that the process will be more labor intensive for the Planning Board, and there will be a lot more communication between the Board and the applicant.

Councilman Waltonen asked about the permitted uses. Ms. Paquet noted that the same uses allowed in the RFR-2 district are still allowed on the conservation house lots, with the exception of kennels and sawmills.

Councilman Waltonen asked about the shared ownership of the common land and if nobody pays taxes on it. Mr. Ward explained that if there is going to be dedicated open space that each lot should be assessed it's percentage of open space. It was noted that this is a taxing issue. There was discussion. Ms. Paquet noted that the open space can be owned by a homeowner association, the Town, the Land Trust, the Nature Conservancy, and noted that the ownership of the open space is going to be a serious consideration during the review process, and pointed out that there is also another party holding a conservation easement. She noted that there has to be multiple interests in the open space to keep it open space. There was discussion on the homeowner association and what happens if they don't pay taxes on the open space. Ms. Paquet noted that she spoke with the Tax Assessor and that she responded and said that there is no value and that it does not get taxed as a separate lot. There was further discussion on how to address taxing for the homeowner association.

Councilman Waltonen asked if there is a provision for disclosure at the time of recording so every person that enters this knows about what they are faced with. It was noted that there is a requirement that it be on the plan and in the deeds. There was discussion on the notice being left out of the deed on further conveyances. Chairman Boyer noted that by making the notice be on the recorded subdivision map, then whoever does the title for the property will have to disclose that to the buyer. There was further discussion.

There was further discussion on the value of the open space. Mr. Bryan noted that the value needs to be recognized in the property value of the lots, and the Town should have the ability to collect that if it is privately owned as common property. He noted that the appropriate language has to be in there to require that the individual members of the association can be individually taxed their share of value. Mr. O'Loughlin noted that for a 30 lot subdivision on 60 acres, that if it was a conventional subdivision, that the house values are going to be comparably the same, so the revenue to the town is relatively going to be the same whether it is all two acre lots, or if there are 30 one-acre lots and 30 acres of open space. He noted that the actual revenue coming to the Town either way is going to be comparably the same. There was further discussion on the tax rate for excess land, the value of wetlands, the Farm Forest and Open Space values, and properties with constraints to development.

Chairman Boyer noted that this gives the Town a tool and that it is an option.

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**Motion to** approve and adopt the amendments to the West Greenwich Land Development and Subdivision Regulations pertaining to Conservation Design Development, as amended to strike section 3 item 2 on page 11 and to include the reference on page 5 to the resources in the Appendix C.

This approval is based on the following findings of fact:

1. That the proposed amendments to the Land Development and Subdivision Regulations are consistent with the Town of West Greenwich Comprehensive Plan, specifically the following Goals, Policies, and Implementation items:
  - a. Natural Resources Goals 2 and 5, Policies 1, 4, 9, 10, 12, 17, & 18, and Implementation Items Policy 18 Implementation. 2 & 3, Goal 2 . I. 2.
  - b. Cultural & Historic Resources Goals 1 & 2, Policy Item 4., Implementation Item 8.
  - c. Housing Goals 2 & 5, Policy Items 1 & 2.
  - d. Open Space & Recreation Goals 2, 3. 5. 6. 7. & 10. Policy Items 1, 2, 5, 6, 7, 10, 12, & 13; Implementation Item Policy 10, I. #1.
  - e. Land Use Goal 1, Policy Items 4, 5, 10, 11, 19, & 23; and Implementation Items Goal 1 Implementation # 2, Policy 7 I #3, P. 9 I #2, and Policy 19, Implementation # 1.
2. That it is necessary to require that the regulations and standards for all land development projects and subdivisions be sufficiently definite to provide clear direction for development and construction and to satisfy the requirements for due process for all applicants for development approval.
3. That the land development and subdivision enabling authority contained in RIGL 45-23-30 provides the community with the ability to adequately address the present and future needs of the community;
4. That the authority contained in Article X of the West Greenwich Land Development & Subdivision Regulations, adopted December 19, 1995, authorizes the adopting and amending of the existing land development and subdivision regulations;
5. That at a properly advertised Public Hearing, opened on September 13, 2010, at 7:30 p.m. at West Greenwich Town Hall, public comment was solicited and discussion permitted regarding the amendments and adoption of the existing West Greenwich Land Development & Subdivision Regulations, and,
6. That said advertisement of the Public Hearing, having been published on August 26, September 1, and September 8, 2010 in the Kent County Daily Times, a local daily newspaper, notified the general public that the proposals shown could be altered or amended at the Public Hearing. Notice of the Public Hearing, and a copy of the proposed changes were also posted on the Town's website.
7. The Planning Board further finds that the proposed amendments and adoptions to the Land Development & Subdivision Regulations satisfies many of the purposes of zoning as recognized in RI Gen. Laws 45-24-30, as amended. Specific recognition and consideration were given to the following purposes of zoning (numbered for reference only, not by priority):

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- a. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the West Greenwich Comprehensive Plan, the natural characteristics of the land, including its suitability for use based on soil characteristics and topography; and the use of innovative development regulations and techniques.
- b. Providing for the protection of the natural, historic, cultural, and scenic character of the Town.
- c. Providing for the preservation and promotion of agricultural production, forest, silviculture, timber resources, and open space.
- d. Promoting a high level of quality in design in the development of private and public facilities
- e. Promoting implementation of the Comprehensive Plan

Ward- Regan (5-0)

It was noted that the amendments will not be effective until after the Zoning Ordinance is amendment by the Town Council.

**Proposed amendments to the Zoning Ordinance for Wind Energy Systems**

There was discussion on the proposed ordinance to allow wind turbines in Town. Mr. Regan asked about solar power. It was noted that solar is generally integrated on the building, whereas wind turbines are stand alone structures that tend to exceed zoning height limitations. There was discussion on height limits and setbacks. The Board asked to have a memo about what was reviewed to create this draft and what other towns have this. Mr. Bryan submitted comments on the draft. Mr. Regan asked about the two definitions or terms for height. It was noted that these should be the same.

**Proposed amendments to the Zoning Ordinance for drive-through windows, fast-food, and restaurant parking**

There was discussion on the drive-through regulations. The Board asked to have a look at some of the existing drive-throughs in town to see if they would meet these requirements.

**Correspondence**

The Board received the August 4, 2010 letter from Robert J. Curran & Associates to the Town Planner regarding the septic design for the Hopkins Hill Nursery at AP 3, Lot 21. The noted that the Planner needs to send a letter to the applicant noting that it does not conform to their decision and that they need to come up with how they are going to remedy the situation.

The Board received an invitation from the Conservation Commission for a presentation to be held on October 7, 2010 about the invasive Japanese Knotweed.

Motion to adjourn. Ward - Regan (5-0) The meeting ended at 8:40 p.m.

**WEST GREENWICH**  
**October 18, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, October 18, 2010. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Brad Ward, Tom O'Loughlin, and Alternate Bill Bryan.

Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Chairman Boyer called the meeting to order at 7:00 p.m.

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Being 5 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
September 13, 2010 Regular Meeting

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

**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 October meeting to address the status of site stabilization to be completed in 2010 fall growing season

Mr. Russell Holmes, from the BMX group was present. He noted that he has taken over for Mr. Timoteo. Mr. Holmes noted that Mr. Hebert put down recycled asphalt halfway across the parking lot. He noted that they have purchased Arborvitae to go around the port-a-johns yesterday and that they will be planted tomorrow.

Ms. Paquet asked about the rocks that the Zoning Board wanted installed to define the parking area, but that she didn't know how much the second parking lot for the pizza place affects this. She noted that the Zoning Board's conditions were left to the Zoning Inspector to determine if the applicant needed to go back to the Zoning Board. It was noted that the Zoning Inspector needs to make the determination on the rocks. Chairman Boyer asked to have the Zoning Inspector forward a copy of his findings to the Planning Board.

Ms. Paquet noted that the other item is the loam and seed of all the disturbed areas outside the parking area. Mr. Holmes noted that the grass was planted in late June, but just as it started growing there was a torrential downpour that took away the loam. There was discussion on getting this to grow again. Mr. Holmes noted it is a high-traffic area and the grass doesn't seem to grow. It was noted that there are other things that can be done to stabilize the area. The applicant will need to come in for the November meeting with a way to remedy this for the Board to approve. There was discussion on a way to keep cars from parking on areas outside the parking lot. It was noted that spectators also stand in this area.

Motion for BMX to come up with a plan to stabilize the area between the parking area and the track. Ward-Berry (5-0).

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**Development Plan: Status Update for Final Review, cont.**

“West Greenwich Town Pizza” AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval. As-built plans for access road and other changes to plan

Dan Hebert was present. Mr. Hebert noted he just received the plan. It was noted that the plan is incomplete. There was discussion on the as-built plan requirements and it was decided that the plan needs to state that it is an As-built plan for the landscaping.

Motion to allow the landscaping as-built plan to be handled administratively within the next month, and if it is not ready the applicant must appear before the Board for the November 15<sup>th</sup> meeting. Ward-Berry (4-0) with Boyer abstaining.

There was further discussion and a second motion was made. Motion to require that the plan be certified as a landscaping as-built to indicate the changes in the plan for the landscaping plantings, and that once it is designated, that it will be considered approved by the Board. Ward-Berry (4-0) with Boyer abstaining.

**Advisory Opinion to Town Council: Amendment to Zoning Ordinance**

**--Flood Plain Management regulations** to comply with National Flood Insurance Program

There was discussion on the proposed draft. Assistant Solicitor Letendre recommended that this should not be in the Zoning Ordinance and that it should be a stand alone ordinance, so that the local Zoning variance provisions do not apply, as these are Federal requirements. Ms. Paquet explained how this version was drafted using the state provided model ordinance, the federal regulations for the Nation Flood Insurance Program, and the existing town requirements pertaining to flood zones. She also gave some background about the flood map modernization process on the county-wide basis for Kent County. There was discussion on what is going on with the other counties who went through this process earlier, concern over definitions that aren't actually used in the document, and what would be the proper board for appeals. It was noted that these are building code requirements and requests for relief would have to go to the State of RI Building Code Standards Board of Review.

The Board took a 5 minute recess to make changes to the draft to convert it to a stand-alone ordinance. Mrs. Letendre went over the proposed changes. It was noted that the first draft in its entirety was provided to the Town Council in their packets at their last meeting in order for them to schedule the public hearing, and that that would be considered the first reading.

**Motion** to recommend to the Town Council the adoption of the proposed addition of the “Special Flood Hazard Area Ordinance” to the Town code of Ordinances, as changed by the Town Solicitor, in order to remain an active participant in the Nation Flood Insurance Program, based on the finding of fact that the proposed ordinance will promote safety from flooding. Ward-Berry (5-0)

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**Proposed amendments to the Zoning Ordinance for Wind Energy Systems**

There was discussion on the proposed ordinance and Mr. Bryan went over his comments. It was noted that there needs to be mention of any standards put in place with State requirements, the Public Utilities Commission, and the public utilities. It was noted we should address other shapes of turbines, such as cylindrical and other shapes. He noted we should incorporate some engineering design standards to withstand wind speed and wind zones. There was discussion on finding out what would be an appropriate insurance standards and what other towns are requiring.

It was noted that 'wood boiler' is misplaced and should be removed from this document.

It was noted that these should all be special use permits, including the small systems, and they should be divided up by which standards can be varied and which standards have to be met no matter what with no exceptions, such as standards pertaining to noise. It was noted that no variance can be sought for special use permit criteria standards.

It was noted that the Board needs to go over the use matrix to determine where these will be allowed by SUP and where they will not be allowed.

The Board decided to remove any allowance for setback exceptions based on abutter permission. There were concerns that there should be height and setback requirements for small systems.

There were questions on what the Town's industrial performance standards are pertaining to noise, and if these consider establishing baseline decibel levels and are performed by someone who is trained to operate the device.

It was noted that all foundations need to be wet stamped by an engineer, including small systems. It was noted that wet stamps should also be required for the structure, especially for it to meet wind loads.

It was noted that there should be an actual approval from the utility company that the tie-in is allowed, rather than just evidence of informing the utility company.

There was concern for wildlife and that there should be a requirement for studies, especially about migratory paths and habitat areas.

Mr. Ed O'Brien, resident, was present in the audience with some comments and questions about the wind turbine ordinance and the discussion the Board was having.

There was discussion on the requirement for a building permit for temporary structures. It was noted that a building permit is required for temporary structures anyway and it may not be needed in the ordinance.

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The Board asked Ms. Paquet to find ordinances from other rural towns in Connecticut and Massachusetts, as opposed to coastal communities. They asked her to do more research.

The Board noted that bonds and a structure removal provision should be required.

There was discussion on limiting duration for being out of service to 180 days, and no greater than 2 years for a met tower being up.

There was general discussion between the Board and the audience about renewable energy and oil.

Sandy Bockes, member of the Conservation Commission, noted that the Town residents have made it very clear in a recent survey and in past surveys, that they want the Town to remain rural and that they like that there is no light pollution or noise pollution.

**Proposed amendments to the Zoning Ordinance for drive-through windows, fast-food, and restaurant parking**

There was no discussion.

**Board Comments**

Chairman Boyer noted that the Town Council continued the hearing on the Conservation Development to December. It was noted that this would be after the election and the new Council will need to be brought up to speed on this. Ms. Paquet noted that many of the questions at the hearing were made by people running for Town Council and that she stated at the hearing that the draft has been available on the website. It was noted that the Conservation Commission has not been asked to provide an advisory opinion, but that they should send a recommendation to the Town Council.

The Board asked for Ms. Paquet to remind them of when the Town Council meetings are so that they can attend on Planning Board matters.

Chairman Boyer noted that the Planning Board should have a meeting with the Town Council after the election to talk about planning and the future of the Town.

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

**WEST GREENWICH**  
**November 15, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, November 15, 2010. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Brad Ward, Tom O'Loughlin (7:04 p.m.), and Alternate Bill Bryan. Recently appointed alternate member, Joe Unsworth, was present in the audience, prior to being sworn in. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Chairman Boyer called the meeting to order at 7:00 p.m.

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Being 5 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
October 18, 2010 Regular Meeting

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

**Development Plan: Status Update for Final Review, cont.**

“West Greenwich Town Pizza” AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval. As-built plans for access road and other changes to plan

No one was present. Ms. Paquet noted that the landscape as-built has not been submitted. Motion to direct the Town Planner to send a letter informing Mr. Hebert that no other applications will be entertained by the Planning Board until they receive the plan. Ward-Regan (5-0).

**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 October meeting to address the status of site stabilization to be completed in 2010 fall growing season

Ms. Paquet noted that Mr. Holmes, from the BMX group, could not make it tonight and that she received correspondence noting that the arborvitae were installed and that the plan for stabilization is to use recycled asphalt on the areas. She noted that she went out to the site today and saw the arborvitae and a pile of recycled asphalt. The Board directed Ms. Paquet to copy the BMX group on the same letter to Mr. Hebert.

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

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**Major Residential Subdivision: Status Update of Comprehensive Permit and Consent Order**

in preparation for Preliminary Plan application submission

“Victory Woods” – AP 14, Lot 15-6

--off Victory Highway; 50 home subdivision with two roads and open space proposed

Applicant: S.W.A.P., Inc.; Owner: Rhode Island Housing and Mortgage Finance Corporation

Chairman Boyer noted for the audience that tonight’s meeting is not a public hearing. He noted that the last time the Board has seen this application was in 2004 and that it has been six years. He noted that the applicant is going to bring the Board up to speed on what the plans are.

Attorney Bill Landry, representing SWAP, approached the Board. Mr. Landry gave a brief history of the application as a Comprehensive Permit before the Zoning Board and the subsequent appeals and Consent Order, which basically became the Master Plan approval. He noted that SWAP is close to submitting a Preliminary Plan application. Mr. Landry went over the features of the proposed development, and discussed the items in the Consent Order and how the plan will be revised for the Preliminary Plan submission.

Mr. Landry noted the plans will be changed to show a 50-foot no-cut buffer along the boundary of the new lots and the existing lots along Victory Highway. He noted that there is a waterline easement for Blueberry Heights over that same area, and that the waterline will be within the 50-foot no-cut buffer.

He noted that the house locations will be staggered to avoid a monotonous appearance, and that the Consent Order provides for flexibility on front-yard setbacks in order to accomplish this. He noted that they will also show the exact building envelope on each lot, which will appear in the purchase and sales agreements for each house so that there will be few enforcement issues about where the house can be placed. Mr. Ward asked if this would include the buffer. Mr. Landry noted that the buffer will be shown on the site plans and will be on the recorded plan and that every homeowner will have a clear picture of where improvements can be placed. He noted that the buffer will be on individual lots.

Chairman Boyer asked about the location of the waterline and if it has been moved yet. Mr. Landry pointed out where the waterline is, closer to the rear of the lots. He noted that there will be a new waterline that will run in the public right-of-way to serve the new houses. Chairman Boyer pointed out that this issue was a sticking point on this application. He noted that they are required to have a 50-foot no-cut buffer, but that there is a 20-foot cleared area for the waterline. He noted that this is an issue that the Board would really like to have addressed, because they were trying to protect the existing houses. He noted that the 50-foot no-cut buffer is supposed to be a no-cut buffer, but that it is not a no-cut buffer because of the waterline.

Mr. Landry noted that there will be two 10,000 gallon cisterns for fire protection.

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Mr. Landry discussed that there will be a stub on paper, but no alternate means of egress. He noted that there may be a deal in the future for mutual access, but that there is nothing in place at this point. He noted it would be a reserved stuff for the future.

Mr. Landry noted that the Preliminary Plan will be submitted with a request that the Preliminary approval be considered subject to the State approvals. He noted that the application has to go to RIDOT for the access, and that they have to complete the process at RIDEM for Wetlands approval and Subdivision Suitability, and also they need to complete the process at RIDOH for the community well. He noted that all of these applications will be pursued simultaneously with the Preliminary Plan with the Town.

Chairman Boyer asked Mr. Landry if they are going to RIDEM wetlands for drainage only, or for the entire site for the wetland edge. Mr. Landry noted it will be the whole thing.

Mr. Landry noted that they will be requesting phasing, and that it will be shown in the Preliminary Plan.

Mr. Ward asked about senior housing and a town-house configuration. He expressed frustration that the concerns that the Planning Board expressed in the past have been ignored. He noted that the buffer is not addressed, and noted that the existing people are going to be blasted with all sorts of noise like dogs barking, and lights, and more enhancement of these things. He noted that this project could provide relief for the existing abutters if the applicant were able to move it back, and noted that it could be done in such a way that it would not be offensive to the existing residents.

Carla DeStefano, Executive Director of SWAP, noted that they did offer several alternatives but that they were denied at the negotiation table.

Mr. Landry noted that they agreed to protect the abutters in two respects, one being the 50 foot buffer and secondly to permit them to tie in to the water line. He noted that the idea of shifting the development is limited by the wetlands.

Mr. Ward expressed frustration again that the 50 foot no-cut buffer has to a utility easement through it that has to be clear-cut, and that his recollection was that the waterline was supposed to be relocated to the road. Ms. DeStefano noted that it was supposed to be relocated to the road, but that the Blueberry Heights residents sought their own financing and did not want to wait through the process. She noted that they offered to take the line at their expense, but there was a delay. Mr. Landry noted that if the Blueberry Heights folks agree to move the waterline and cooperate in a waterline that goes along the public right-of-way, then it is not out of the question, but he noted it is their easement and their waterline, and that there has to be some area that is not totally vegetated so that there can be access. He noted that they can not tell Blueberry Heights that they have to move the waterline.

The Board discussed the Consent Order and the process moving forward with Assistant Town Solicitor Letendre. It was noted that the Planning Board's review has to be done within the context of the Consent Agreement. It was noted that the Planning Board's previous advisory

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opinion will be looked at and that those concerns can be brought up for discussion so that they can be addressed without conflicting with the Consent Agreement.

Mr. O'Loughlin asked what liability the Town would have on the community well. Mrs. Letendre noted that there is no liability to the Town, as it is privately owned and privately maintained. She noted that they will need to have a maintenance agreement in place and that it is regulated by the Department of Health.

There was further discussion on the well. Mr. Landry noted it would be prudent for SWAP and Blueberry Heights to get together to try to agree on efficiencies to help solve some of these issues. He noted it is a property issue between Blueberry Heights and the applicant.

Mr. Regan asked how much flexibility there is within the Order to modify the design of the subdivision. Ms. DeStefano noted that that is something they are working on now, and pointed out that the lots are sort of cookie-cutter. She noted they are going lot by lot to determine where the houses will sit relative to the ISDS. Mr. Regan noted he was curious as to whether the Board is bound to this layout or if there is some possibility for alternatives. Ms. DeStefano noted she thinks the development will be a lot nicer and probably easier for engineering if they have some flexibility.

Mr. Ward expressed again that he understands the need for affordable housing, but that he thinks that the concentration of the density near the abutters, that the lights and the noise will have an adverse impact around everybody. He noted that the contours of this site provides an opportunity to make this something stellar and something that everyone could be proud of.

Chairman Boyer asked SWAP if they are not adverse to dealing with Blueberry Heights. Ms. DeStefano noted that it is in the best interest of both parties.

The Board decided to have American Engineering review the plan.

Mr. Regan encouraged the applicant to bring back some of the things that they heard from the Board. Mr. Landry noted that he doesn't think they can get too creative here.

**Proposed amendments to the Zoning Ordinance for Wind Energy Systems**

Ms. Paquet noted that she has not had a chance to work further on the wind ordinance. Mr. Bryan noted that a concern is a catastrophic failure, which doesn't fall one and a half or two times the height, but that it can be three or four times that, and they 'cartwheel.' Ms. Paquet briefly discussed the workshop on wind turbine siting held earlier this month that was hosted by Apeiron at the Gloucester library. She also noted that she received a list of contacts of towns in upstate New York from Mr. O'Brien, the resident who was at the meeting last month, but that she has not had a chance to research them yet.

Ms. Paquet noted that one of the items she researched when drafting the proposed ordinance was the RIDEM's siting guidelines, and noted that she heard these are currently being revised.

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**Proposed amendments to the Zoning Ordinance for drive-through windows, fast-food, and restaurant parking**

There was no discussion.

**Board Comments**

The Planning Board noted that they would like to have further discussion on the Victory Woods subdivision, and expressed concerns with a conditional approval awaiting State approvals. Ms. Paquet noted the Board can forward their comments to those State agencies. The Board noted that it would be beneficial to go over the 2004 comments and the plan. It was noted that this should be back on the agenda for next month for discussion, and to notify the applicant that the Board will be discussing it.

Mrs. Letendre swore in Mr. Unsworth to the Planning Board.

The Board expressed concern that wind turbines could be built in Town without any standards. The Board wanted to look into prohibiting wind power generation for off-site sales, which can be repealed after the Town develops standards. It was noted that the height limit is restricting.

Motion to adjourn. Ward - Regan (5-0) The meeting ended at 8:09 p.m.

**WEST GREENWICH**  
**December 13, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, December 13, 2010. Present were: Chairman Mark Boyer, David Berry, Tim Regan, Tom O'Loughlin (7:01 p.m.), and Alternates Bill Bryan and Joe Unsworth. Board Member Brad Ward left before the meeting began.

Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Chairman Boyer called the meeting to order at 7:00 p.m.

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It was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
November 15, 2010 Regular Meeting

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

**Discussion on Major Residential Subdivision:** "Victory Woods" – AP 14, Lot 15-6 in preparation for Preliminary Plan application submission  
--off Victory Highway; 50 home subdivision with two roads and open space proposed  
Applicant: S.W.A.P., Inc.; Owner: Rhode Island Housing and Mortgage Finance Corporation

Chairman Boyer noted that this is not a continuation from last month, but was asked for by the Board to ask questions of the Solicitor and Town Planner and to bring the new members since then up to speed on the application. He noted it is for discussion amongst the Board about the process and that there is no presentation tonight.

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

Chairman Boyer opened the discussion to the Board members. Mr. Berry asked if it will follow the normal Preliminary Plan process. Mrs. Letendre explained that the process is similar to the Preliminary Plan, but that the time period for the Board to render a decision is slightly shorter and that the standard review criteria is very similar, except that the criteria is written to include a balance between local planning concerns and the need for affordable housing. She noted that there is actually two set of criteria, one for approval, and one for denial. She noted that the best practice is to have, for each criteria, support by substantial evidence in the record in order to make the findings. She noted that there can also be an approval with conditions, and that the conditions need to be justified by a discussion on the record. She noted that the conditions are tested on appeal in a specific way, as to whether or not they make the application economically infeasible. She noted that the idea is to lower the cost of development for the purpose of creating affordable housing. She stressed that the premise is to balance the local concerns with the State's mandate for affordable housing.

Mrs. Letendre went over the history of the appeal on this project. She noted that several years ago it went to the Zoning Board, which was the statutory board of review at the time, and it was denied. She noted that during the Zoning Board process, the review narrowed things down to the April 2004 plan. The applicant appealed to the State Housing Appeals Board, which approved that plan as presented at the Master Plan stage. She noted that it was appealed to the State

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Supreme Court and the Town, the applicant, and Blueberry Heights negotiated the Consent Agreement. She noted that there are still some things that are up for negotiation, as noted in the SHAB decision.

Chairman Boyer expressed concern about the State Law, which states that the State approvals do not need to be submitted with the Preliminary Plan submission, but that the Law does not state that they do not have to get those approvals, but that they have to be obtained prior to Final approval or a building permit. He noted that in terms of protecting the Town, the Board needs to keep in mind things like the public well which is in an area 3,000 feet away from where a water district had to be created (due to water availability issues). He also noted that 50 house lots in a small area raises concerns for sanitary systems and pedestrian traffic.

Mr. Bryan asked about 'burden of proof' and how conditional approval can be granted 'subject to' the evidence being presented on the record. Mrs. Letendre noted that if there is information relative to that State approval, and if the Board needs that information to make a decision, then the Board should be prepared to request it. She noted the Board should go over the previous recommendations and conditions and bring up the items that the Board will need for the Preliminary Plan submission, short of the actual State permits.

Chairman Boyer expressed concern about the findings of fact that need to be made and that part of those findings of fact are public safety, health and welfare. Mr. Bryan noted that historically, the Board has always relied upon the State permits as providing that proof and knowledge. He noted that without the permits in hand, but with technical information submitted, then the Board will need an engineering review process. There was discussion and it was noted that the scope of the engineering review needs to be consented to by the applicant.

Mrs. Letendre noted that it will need to be communicated to the applicant what kind of documentation will be needed, short of the permits. The need for a pre-application was discussed.

The Board requested that Mrs. Letendre go through the items and let the Board know, in writing, what items have been decided by the Consent Agreement and the SHAB decision, and what items are still up in the air. It will include the process.

Carla DeStefano, applicant in the audience, asked how to go about going over some thoughts on changes for the plan based on the Board's comments expressed at the previous meeting. It was noted that the pre-application meeting can be used for this.

**2011 Planning Board Meeting Schedule**

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

Motion to set the schedule as proposed. Berry-Regan (5-0).

Mr. Bryan left the meeting at 7:42 p.m.

**WEST GREENWICH**  
**December 13, 2010**  
**PLANNING BOARD MEETING**

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**Proposed amendments to the Zoning Ordinance for Wind Energy Systems**

Mr. Berry asked about the status on the moratorium. Mrs. Letendre noted that no moratorium is needed, because the Zoning Ordinance does not provide for both a Special Use Permit and a Variance for the same application. She noted that State law does not allow for that combined application, unless the Zoning Ordinance specifically allows it. Chairman Boyer asked if the Town should put anything in place to make sure. Mrs. Letendre noted it is not necessary in this case. She explained the Newton court case and what the Legislature did. She noted that unless it is in the Zoning Ordinance, there is a statutory prohibition.

There was discussion on the Town Planner's memo. Ms. Paquet explained that RIDEM is in the process of changing their siting standards. She noted that the RIDEM siting report has a lot of good information and a comparison of ordinances around the country. She noted that there is basically no consistency. She noted she has also started doing a comparison of what other states are doing and noted that it is all very recent. She discussed the siting study by the state of New Jersey which was put in place just this past year. She noted she is also looking at Pennsylvania, Maryland, and Wisconsin. She noted that they have larger setbacks and a lot of it is based on noise. She noted she will need to do another memo because she did this research after the Board's packets went out. The Board members noted that the wind in RI really isn't that good and Ms. Paquet explained that is why the turbines are proposed so high, such as the ones proposed in Johnston at around 500 feet.

Ms. Paquet noted that she is looking for input from the Board. The Board asked to have more research on the recent ordinances and to discuss this more next month.

**Proposed amendments to the Zoning Ordinance for drive-through windows, fast-food, and restaurant parking**

There was no discussion.

**Board Comments**

It was noted that the Conservation Design Ordinance passed at the Town Council meeting last week.

The Board heard that the Town Council was entertaining a proposal from Dan's Place about parking and lighting and directed the Town Planner to forward the Board's letter regarding no applications until the landscaping as-built is submitted.

Motion to adjourn. Berry - Regan (5-0) The meeting ended at 8:15 p.m.