

WEST GREENWICH
January 9, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, January 9, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, Tom O'Loughlin (7:01 p.m.), and Alternate Bill Bryan (7:10 p.m.). Alternate Joe Unsworth was absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

Acceptance of Minutes (CA)

December 19, 2011 Regular Meeting

Motion to approve the December 19, 2011 minutes. Berry-Regan (3-0) w/ Ward abstaining.

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

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston, drafted by Fuss & O'Neill
- For review, comments, and consideration by West Greenwich Planning Board

Chairman Boyer expressed concern with the feasibility of certain requirements of the ordinance, and noted that there are some merits to it. He noted the Board should take a closer look at it to make it better and wanted the members to have more time to read through it for next month. Ms. Paquet went over some of the formatting and redundancy issues with the draft to make it less confusing, and explained some of the features of the proposal. There was discussion on the need for a threshold or a determination of when to apply the ordinance, similar to an environmental impact statement. It was noted that many of the submission requirements are items that the Town requires anyway, and that the other items like the geology maps are readily available. Chairman Boyer noted that finding information about location of wells within a farther distance from the property is difficult, and could involve trespassing. It was noted that some of the items might need a reality check for how to obtain the information. It was noted that the ordinance needs some work.

Mr. Bryan arrived at 7:10 p.m.

Mr. Ward discussed issues he's had with private well radius being on other people's property. He noted that there are things the Board needs to consider with wells in addition to this ordinance.

There was discussion on where to integrate portions of this ordinance into our regulations, whether as a stand-alone ordinance or a in the Land Development regulations.

There was concern on enforcement issues with the suggested water conservation measures. The Board wanted to take a closer look at what is possible and what is not. Motion to continue to next month. Berry-Regan (5-0).

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Comprehensive Plan

Review of State requirements

Ms. Paquet passed out a copy of the current enabling legislation pertaining to the Comprehensive Plan, along with a cover letter from Statewide Planning explaining the recent changes, and discussed some of the features of the act and the role of the Planning Board.

Ms. Paquet noted that the first step is going to be a population and demographics analysis. She noted that there are a number of Statewide Guide plans with goals and policies that the Town needs to be consistent with.

Election of Board Officers for 2012

Chair, Vice Chair, and Secretary

Motion to nominate Mr. Boyer for the position of Chair. Ward-Regan (5-0)

Motion to nominate Mr. Ward for the position of Vice Chair. Boyer-Regan (5-0)

Motion to nominate Mr. Regan for the position of Secretary. Ward-Berry (5-0)

COMMENTS BY BOARD MEMBERS

Chairman Boyer expressed concern of Alternate Unsworth's absence from so many meetings.

ADJOURNMENT

Motion to adjourn. Ward-O'Loughlin (5-0) The meeting ended at 7:30 p.m.

WEST GREENWICH
February 13, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, February 13, 2012. Present were: Chairman Mark Boyer, Secretary Tim Regan, Tom O'Loughlin, and Alternate Bill Bryan. Vice Chairman Brad Ward, David Berry, and Alternate Joe Unsworth were absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

Acceptance of Minutes (CA)

January 9, 2012 Regular Meeting

Motion to approve the minutes. O'Loughlin-Bryan (4-0)

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston, drafted by Fuss & O'Neill
- For review, comments, and consideration by West Greenwich Planning Board

Motion to continue to next month. O'Loughlin-Bryan (4-0)

Amendment to Preliminary Plan: Minor Residential Subdivision

"Carrs Pond Estates" Residential Compound – AP 2, Lots 12 and 6

--off Carrs Pond Road; proposed relocation of compound road entrance and separation of existing house driveway from compound road

Applicant/Owner: Carrs Pond Associates, LLC (Carmine D'Ellena, Steve Kent, Michael Kent)

Tim Behan, PE, engineer for the applicant, approached the Board. Attorney Carmine D'Ellena was also present for the applicant. Abutter Cheryl Vandermost was present.

Mr. Behan explained the proposed change in the location of the entrance and its configuration. He noted that it was originally a 20 foot wide gravel roadway and pointed to the location, as he gave the Board a color handout of the plan. He noted they are changing the overall compound from 5 lots to 4 lots and noted that the existing frontage house will have a separate driveway curb cut and there will be a landscaped island, and then the 20 foot wide compound road. He noted it is a slight alignment change and pointed out where the curb cut was and how it is proposed to change. Ms. Vandermost approached the Board to see the plan.

Chairman Boyer asked about the change from 5 lots to 4 lots. Mr. Behan noted that they are asking to have the existing house removed from the compound maintenance. It was noted that this is not the action listed on the agenda, and Board noted they would not act on it. It was noted that the item is to separate the driveway from the road, not to separate the lot from the compound.

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Ms. Paquet noted that she had the Town's consulting engineer, Dan Cotta from American Engineering, review the proposed relocation of the entrance, and noted that there is also a recent inspection report.

Chairman Boyer asked Ms. Vandermost to state her name and address for the record. Ms. Cheryl Vandermost noted that she is the abutter at 37 Carrs Pond Road and noted her lot line is where the road is going in. She noted that she received notification of the meeting.

Chairman Boyer asked her if she was aware the subdivision was going in. Ms. Vandermost noted that she is aware of the construction because it is right there, but pointed out that she did not know that it was going on and that she never received any notification until she saw it going in. She noted that she did not care that the subdivision was going in, but expressed concern that there is no buffer between her lot and this road, and she noted that she wanted to make sure that no trees are going to come down. She noted that they are taking more trees down that got damaged by accident. She noted that she wants to make sure that snow removal doesn't end up damaging her trees, or making a mess since it is a gravel road. She questioned if the electricity poles are going to be on her side and if that means that more trees are going to have to come down. There was discussion. It was noted that there is supposed to be some plantings put in there and the Town Planner went to retrieve the landscape plan. Ms. Vandermost noted that she objects to the possibility of losing any more trees, and noted that it seems that they are cut all the way to the property line.

Mr. Behan asked about addressing the compound again and the existing house being removed for the maintenance of the drainage system. Chairman Boyer noted that it is a question for the Solicitor, which can possibly be addressed in the Homeowner's Association.

Chairman Boyer asked Mr. Behan what they plan to do with the utilities. Mr. Behan noted they are going to get a price and will most likely go with the cheaper overhead lines, rather than underground. There was discussion on putting the poles on the other side of the road. Mr. Behan noted that the edge of the gravel road is 8 feet off the property line, and it will be loam and seed and they will have to clean it up when they are done. Ms. Paquet noted that they will need to submit as-builts demonstrating that it is actually 8 feet.

Chairman Boyer asked Mr. D'Ellena, noting that they have come to the Board asking for a change to the plan, if they would consider going underground for the utilities. Mr. D'Ellena noted that at this point in time, they are pretty much committed to overhead utilities. There was discussion on the utility poles. Mr. D'Ellena noted that they also want to have a buffer there.

Mr. O'Loughlin offered a suggestion for how the lines could go in on the other side of the road, while avoiding a reverse corner. Ms. Vandermost noted that would work for her.

It was decided that a letter would be sent from the applicant and another letter from the Town, to the utility company notifying them that a buffer is a condition of the approval for that side of the road, and to ask the utility to put their poles on the other side of the road.

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Motion to amend the Preliminary plan Minor residential subdivision for the Carrs Pond Estates Residential Compound AP 2, Lots 12 and 6 off Carrs Pond Road for the proposed relocation of the compound road entrance and separation of existing house driveway from compound road, to approve the driveway and roadway as shown with the following conditions:

1. That the vegetative buffer on the northerly property line be extended from as shown on the Diane Soule Landscape Plan, June 2011, to be extended to Carrs Pond Road, and that a new landscaping plan be developed and submitted for approval by the Town Planner administratively
2. That a letter be developed by both the developer and the Town, indicating that the buffer is a condition of approval and that National Grid is requested to place their poles on the southerly side of the driveway to avoid impact on the vegetative buffer.

O'Loughlin-Regan (4-0)

It was noted that if Narragansett Electric has no objection to going underground for the first 200 feet, that would be ok.

Ms. Paquet stressed the importance of the 8 feet and noted that when they do the as-builts, if they find it is closer when they do the survey, then it will need to fix it to make sure it is 8 feet.

Major Residential Subdivision: Pre-application Review

“Saint Joseph’s Cemetery” -- AP 13, Lot 1

--on corner of Nooseneck Hill Road and Wills Swamp Road; zoned RFR-2; 8 new frontage house lots

Owner: Catholic Cemeteries, Inc.; Applicant: Catholic Diocese of Providence

Joe Casali, PE, of Joe Casali Engineering, Inc., approached the Board. Mr. Casali described the proposed application. He noted that the wetlands have been delineated and that there is an intermittent stream, and high water tables. He noted that there is no flood zone, and noted that they need to apply for RIDEM wetlands and subdivision suitability, and also a Physical Alteration Permit for the lot on Nooseneck Hill Road. He noted he would like to solicit the Board’s comments.

Chairman Boyer referred to the proposed 50 foot strip of access on Wills Swamp Road, noted that it is not an acceptable location, and noted they should move it north of Lot 7 on Nooseneck Hill Road. Chairman Boyer noted that the Town has a setback of 200 feet for the sanitary systems, regardless of the width of the stream. Mr. Casali acknowledged this, and also noted that the lots are over 2 acres, and that they will probably have denitrification systems for the high water tables, and that all of the lots will be serviced by private wells. He also noted that they are aware of the schools in the area and that they will have setbacks for those public wells.

Chairman Boyer noted that another concern is, with the cemetery, embalming chemicals and water quality of the area. Mr. Casali noted that this is an interesting question, but that he is not aware of any regulatory or governing body that oversees this, and noted that it is a valid concern. He acknowledged the Planner’s prior comments about containing the 100 foot well radius within each lots’ lines, and denitrification systems. There was discussion on the Town’s well

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ordinance. Chairman Boyer noted that if the Board decides during the review process that there is any evidence, that they can also have them drill the wells prior to the approval to test for quality.

There was discussion on changing the shape of the lots to avoid the wetland on any of the house lots in order to prevent encroachment. It was noted that the Town's 200 foot setback for septic systems to a water body is not counted as unsuitable land, but the stream buffer for RIDEM is.

Chairman Boyer noted this subdivision has high water tables, and questioned if these lots will pass. He noted that if the applicant proceeds with this, that the potential buyers need to be made aware that the water tables are high and that they are looking at a potentially twenty- to thirty thousand dollar septic system. The Board noted that this will be a stipulation to be put on the plan.

Mr. Bryan suggested changing the orientation of lot 7 to give it a bigger buffer from Route 3, either by putting lots 5 and 6 parallel to Wills Swamp Road, or by changing lot 2 and moving all the lots farther away from Route 3.

There was discussion on the well protection areas for the schools. Ms. Paquet pointed out that the wellhead radiuses are on sheet 4 and are hard to see.

Mr. Casali noted they would like to pursue Master Plan for vesting.

PLANNING PROJECTS

Comprehensive Plan: Review of Demographics

Ms. Paquet went over the spreadsheet showing the comparison between the 1990, 2000, and 2010 Census data, and discussed some of the interesting trends and changes. She explained the data from the 5-year American Community Survey. Ms. Paquet referred to some recent newspaper articles giving some more information, and discussed the higher percentage of households in West Greenwich living below the poverty line compared to the surrounding communities.

The Board noticed that the percentage of elderly is increasing and stressed the need for elderly housing in Town.

There was discussion on the number of vacant houses and the current economy. Ms. Paquet noted that many of the vacancies from 1990 are no longer around due to the tear downs from Big River over the years, which needs to be factored in when thinking about what the 2010 vacancy number means, which is even larger.

Mr. Bryan asked about race and ethnicity data to be included, and it was noted the data can be compared to the State data.

Motion to adjourn. O'Loughlin- Regan (4-0) The meeting ended at 8:12 p.m.

WEST GREENWICH
March 19, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, March 19, 2012. Present were: Chairman Mark Boyer, Secretary Tim Regan, Vice Chairman Brad Ward, and David Berry. Tom O'Loughlin and Alternates Bill Bryan and Joe Unsworth were absent. Alternate Joe Unsworth resigned earlier this month. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

February 13, 2012 Regular Meeting

Minor Subdivision (CA)

Preliminary Plan: Minor and Administrative Subdivision

and Request for Waiver on Checklist Items: Vicinity Map, scale of Aerial Photo, and statement from Wetland Biologist/ RIDEM Wetland Edge Verification

“**Whalen Plat**” AP 18, Lots 15-1 & 15-2

--on Weaver Hill Road; one new 17+ acre lot out of existing 55+acre lot, and change in configuration of lot lines for two existing houses.

Motion to approve the Consent Agenda items. Ward-Regan (4-0)

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston, drafted by Fuss & O'Neill
- For review, comments, and consideration by West Greenwich Planning Board

There was discussion on having a review of this on a staff level with one or two Board members, but no one volunteered. Motion to continue to next month. Ms. Paquet noted she can contact Lorraine Joubert at URI to meet with us also.

Community Development Block Grant Program (CDBG) : 2012 Grant Round

-- Provide Advisory Opinion to Town Council on proposals

Denise Lussier from Looking Upwards, and a woman from WARM were present in the audience.

Ms. Paquet gave a brief overview of the applications that were submitted. She noted that the Town is eligible to apply for more money than the applications currently total. She discussed some of the Town initiated proposals that were denied in the past, such as the Exit 5 Water Study and the proposal to acquire for-sale homes for remodeling and resale as affordable housing.

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There was discussion on including an application for the Town to apply for an affordable housing project that the Town could develop, maybe on the Rhode Island Housing land as senior housing. There was discussion and it was decided to come up with an application for this and to include it in the list of projects for the balance of the funds the Town is eligible to apply for.

Motion to make a finding that the following proposed projects in the 2012 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. Looking Upwards, Inc.
3. Westerly Area Rest Meals shelter Employment/Job Readiness Program
4. Westerly Area Rest Meals Emergency Shelter renovations
5. Welcome House of South County Operating
6. Welcome House of South County Generator
7. Education Exchange computers and software for GED testing
8. Community Housing Land Trust technical assistance
9. Washington County Community Development Corporation
10. West Greenwich Senior Affordable Housing

Ward-Berry (4-0)

Comprehensive Plan

Prioritization of Element Updates

Ms. Paquet discussed the need to work on the Natural Hazard Mitigation plan first, which is now considered part of the Comprehensive Plan.

ADJOURNMENT

Motion to adjourn. Ward- Berry (4-0) The meeting ended at 7:43 p.m.

WEST GREENWICH
April 16, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, April 16, 2012. Present were: Chairman Mark Boyer, Secretary Tim Regan, David Berry, Alternate Bill Bryan (7:24 p.m.) and Tom O'Loughlin (7:40 p.m.). Vice Chairman Brad Ward was absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

March 19, 2012 Regular Meeting

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

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston, drafted by Fuss & O'Neill
- For review, comments, and consideration by West Greenwich Planning Board

Motion to continue to next month. Berry-Regan (3-0)

Minor Residential Subdivision: Final As-built Plan

“Carrs Pond Estates” Residential Compound – AP 2, Lots 12 and 6

--off Carrs Pond Road; set performance and maintenance bond amounts; consider Final approval
Applicant/Owner: Carrs Pond Associates, LLC (Carmin D'Ellena, Steve Kent, Michael Kent)

Mr. Tim Behan, PE approached the Board. Mr. Steve Kent and Mr. Kirk Andrews, PLS, were present in the audience. Mr. Behan passed out a cost opinion for the maintenance bond. There was discussion on the landscaping buffer. Ms. Paquet noted it is not what the original plan was. Mr. Behan noted that there was an agreement between Carrs Pond Associates and the neighbor. Chairman Boyer noted that the field conditions don't reflect what was on the landscaping plan. Chairman Boyer noted that it needs to be on paper, reflecting what was actually installed, as an as-built. He noted that he didn't have an issue with what was installed. There was discussion on the landscape buffer being on Lot 6, and it was determined that it needs to be included in the Homeowner's Associations responsibilities with a maintenance requirement and an easement for it.

There was discussion on Lot 6 being in the compound, but the applicant asked to have it not in the association. The Board asked to have the Solicitor give an opinion about it being in the Homeowner's Association. Ms. Paquet noted that there is no question that it is part of the compound.

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Chairman Boyer noted the requirement for three granite bounds, and noted where they should be-one at the radius point in the cul-de-sac, and at the PT of the curb coming in from Carrs pond Road, on each side, off-set from the drainage swales if needed. The Board had no comment with respect to the lot configurations. It was noted to work out the maintenance bond amount with the consulting engineer.

Linda Tarro, with Arlington RV, owner of abutting property, had questions about the drainage. Ms. Tarro asked who will be in charge of the drainage. The Board noted that it will be the homeowners in the Homeowner's Association. Ms. Tarro noted that there is a spillway that spills towards her land, and asked who will be responsible. It was noted that the Homeowners Association would be. Ms. Tarro asked if they go bankrupt and there is no recourse if the Town holds a bond for it. Chairman Boyer explained that it is a private road and private drainage network. He noted that with the current drainage regulations that are in effect, that everything is overdesigned. It was noted that this was designed in under the new regulations. Chairman Boyer noted that it was designed by an engineer and reviewed by the Town engineer. Ms. Tarro asked if the pit was deep enough and noted it seems so shallow that it couldn't hold the amount of water coming down that hill. Mr. Behan noted that it is designed for a very big storm of 8.7 inches. He explained that it doesn't capture everything that runs off, but it stores the additional runoff due to the development. He noted it is directed to the same area of the property where the runoff was going. Chairman Boyer noted that if she has problems, to call the town to let them know because the town would probably get involved and notify the homeowner's association. Ms. Paquet noted that there is also a legal document of an agreement for maintenance and access that allows the Town to go on to the private property to make sure they are maintaining it.

Motion to approve the final plan of the Residential Compound Minor subdivision Record Map Plan, Easement Details Plan, and As-built Plan entitled, "Residential Compound: Carrs Pond Estates," location 45 Carrs Pond Road (AP 2/ Lots 6 & 12), dated 2-29-2012, revised through 03-20-12, consisting of three sheets numbered 1 of 2, 2 of 2, and 1 of 1, prepared by K. Andrews Associates, for Carrs Pond Associates, LLC, with the following conditions:

1. This approval is pursuant to the Residential Compound provision of the West Greenwich Zoning Ordinance, as such, each of the five lots are bound by the requirements of that provision.
2. As-built plan of the Landscaping shall be submitted showing what is installed.
3. Responsibility to maintain the buffer shall be the Homeowner's Association
4. The Planning Board approves the reshape of the lots
5. There shall be three bounds set, one in the center of the cul-de-sac, and two at the PT's of the curve.
6. The applicant shall pay the fee in-lieu-of land dedication for Open Space and Recreation to the Town for the 4 new house lots prior to recording. (currently at \$2,333 per lot.)
7. All required legal documents shall be finalized and approved by the Town Solicitor and recorded together with the subdivision plan.
8. The "Drainage System- Inspection, Maintenance, and Repair" program on sheet 2 of 10 of the approved Preliminary Plan shall be the responsibility of the residents of the compound, and shall be incorporated into the Homeowners' Association Documents.

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Full size copies of the Preliminary Plan and As-built plan shall be given to the buyers of each of the lots in the development.

9. The owners shall sign a Post-Construction Storm Water Management and Maintenance Agreement with the Town.
10. the Project Review Fee account shall be replenished by the applicants as needed, when requested by the Town.
11. The applicant shall post a cash maintenance bond in the amount of \$20,700 to be confirmed by the Town reviewing engineer, and may be adjusted accordingly.
12. Address all comments by Town consulting engineer
13. Each lot shall have proper erosion controls during house construction, and shall install the roof-top drywell systems as shown in the location on the approved Preliminary Plan. The owner of the lot shall submit proof to the Town that the drywell system was installed properly in order to obtain a Certificate of Occupancy.

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

1. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
2. That each lot in the subdivision conforms to the standards and provision of the West Greenwich Zoning Ordinance, and more particularly the Residential Compound provision of the Zoning Ordinance.
3. That there will be no known significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
4. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed subdivision lots have adequate and permanent legal access to a public street;
6. That the subdivision provides for suitable building sites.
7. That the design and location of building lots, utilities, and other improvements in the proposed subdivision shall minimize flooding and soil erosion.

Berry-Regan (3-0)

**Major Land Development Project: Pre- Application Plan
and Advisory Opinion to Zoning Board for Special Use Permit**

“Plain Lane Power” 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2
--at 179 Plain Meeting House Road; 10.8 acre solar power panel field and related structures
proposed

Applicant/Owner: Plain Lane Acres, LLC (Matthew Leyden, et al)

Ms. Paquet noted that the applicant has asked to ocntinue to next month.
Motion to continue to next month. Berry-Regan (3-0)

Mr. Bryan arrived at 7:24 p.m.

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Minor Land Development Project: Pre- Application Plan

“McLellan Page, Inc.” Expansion of existing non-conforming use – AP 4, Lot 21
(requires Special Use Permit from Zoning Board)

--at 136 Mishnock Road; Zoned RFR-1

Applicant/Owner: McLellan Page, Inc. (Wayne McLellan)

Chairman Boyer recused himself from this item. Mr. Regan took the chair.

Mr. Tim Behan, PE approached the Board. Mr. Wayne McLellan was present in the audience. Mr. Behan explained that the business has been at 136 Mishnock Road for over 20 years. He noted that the property is in the RFR-1 zone, but is a commercial use and needs to go to the Zoning Board for an expansion of the use. He described the property and the location and then showed the proposed plan. He noted that there will be no increase in employees and the existing septic will remain. He showed the proposed drainage of dry wells and a rain garden. He noted that the Fire Marshall had a comment about a hydrant across the street.

Mr. Berry asked if the operation would continue in the old building until the new building is built so that there is no down time. Mr. Behan noted that there will be a transition, and the equipment inside will need to be relocated. Mr. Berry asked about a timeline for this. Mr. Behan noted it could be a stipulation. There was discussion on the site layout.

Mr. Regan noted it is basically being modernized. Mr. McLellan spoke about the building and the operations within the building. He noted the space is confined and by putting up the new building it will also be easier to maintain. He noted it should take less than six months to move the machines. The Board had no issue with 6 months. Mr. Behan noted he will need to do a phasing plan for the drainage if the two buildings will be there at the same time.

Mr. Bryan asked about signage. Mr. Behan showed the existing sign. Mr. McLellan noted that there would be a backlit sign on the building, and two wooden signs at the entrance. The Board noted that the signs will need to conform to the Town regulations.

Mr. Berry asked about lighting. Mr. Behan noted there would be minimal lighting above the doors. It was noted that the building would not be staffed at night. Mr. McLellan noted that they don't want it totally dark, and pointed out that it is moved back off the road, but they want a safety light.

It was noted that the fire chief has already seen the layout and is ok with it, but just wants to see the hydrant on the plan.

Mr. Behan noted that there would be no increase in traffic.

It was noted to have the phasing plan with the next application.

Tom O'Loughlin arrived at 7:40 p.m.

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Mr. Boyer rejoined the Board.

Minor Land Development Project: Pre- Application Plan and Advisory Opinion to Zoning Board for Special Use Permit and Advisory Opinion to Town Council for amendment to Zoning District Change decision
“Coast to Coast Fulfillment” Expansion of existing use –AP 24, Lots 19 & 20
(requires Special Use Permit from Zoning Board)
--at 773 Victory Highway; Zoned Highway Business and Industrial A
Applicant/Owner: Coast to Coast Holdings, Inc.

Attorney John Brunero approached the Board. Mr. Hermond Ghazarian, applicant, Paul Saurabian from Douglas Construction, and Scott Moorehead, PE were present in the audience.

Mr. Brunero explained the history of this site and noted his office handled the permitting process for the applicant back in 1999. He explained that they do warehousing for businesses that manufacture goods and ship it here and they hold it until it needs to be shipped out. He noted that it is not like Amazon where they buy one product at a time, but this is done for large orders where they distribute them out to the retailers. He noted that they do not own any trucks, and they just call a carrier. He noted that they are looking for an expansion and that they purchased the 14 acre parcel to the rear. He explained the three phases of the building expansions.

Mr. Brunero discussed why he thought there was a conditional zoning on this parcel, and noted that the ordinance has been amended over the years. He noted that both in the Highway Business and in the Industrial A that warehousing is by Special Use Permit. He noted the history of the zoning ordinances needs to be looked at. He noted that they have filed the Special Use Permit application with the Zoning Board. He noted that the hours of operation are 8 a.m. to 5 p.m. Mr. Ghazarian noted that there are no shipments on the weekend.

There was discussion on the use being allowed in both districts and the history of the prior zone change with the restrictions. Mr. Berry noted it might make more sense to put it back to Highway Business. There was discussion on the time and expense involved in amending the zoning. The Board wanted to have the Solicitor take a look at this, to see if it needs to go to the Town Council.

There was discussion on the lot lines and the split zone going through the building. It was noted that there would be an administrative subdivision. Mr. Moorehead explained the layout of the plan and the lots and the existing house and the driveway. Chairman Boyer noted that the Board would make it part of the approval to keep the driveway off the new entrance as it is shown. Mr. Moorehead explained the septic system and the parking. Mr. Saurabian noted that they have hired a company to work on the fire code compliance.

Mr. Bryan expressed concern of the proximity of the drainage basin to the existing house and asked about buffers. Ms. Paquet noted there is a required 50 foot vegetated buffer. There was discussion on if the drainage could be moved. Mr. Moorehead went over the features of the property of the slope and the ledge, and discussed the drainage design.

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Mr. Berry asked about lighting and signage. Mr. Moorehead noted that these are planned, and will be a streetscape and landscaping plan and the signage will be relocated. He showed the building elevation for the front addition.

Chairman Boyer also expressed concern of the proximity of the drainage pond to the abutting house, and noted that the farther it can be moved away from the house the better. He asked the engineer to take a look at it to see what he can do to move it farther away as he can.

Motion to recommend to the Town Council the approval of an amendment to the Zoning District change decision as granted on August 11, 1999, to remove the use restriction of “limited to shipment of compact discs, audio cassettes, the handling of credit card transactions and the maintaining of a consumer data base and the on-going service to the recipients of the shipped products, ” and to replace it with a use restriction limited to “General Warehousing,” for the use of a fulfillment company, property located at 773 Victory Highway, AP 24, Lot 19, based on the following findings of fact:

1. The proposed use and expansion of use is Consistent with the following goals and policies of the West Greenwich Comprehensive Plan:
 - a. Land Use Policy 24- encourage, though land use regulation, small scale industrial and commercial development subject to appropriate performance standards, which is in keeping with the rural character of the town and does not require infrastructure improvements and services not now available.
 - b. Land Use Goal 6 and Policy 16-the Town shall enhance, strengthen, and promote development within existing Highway Business districts (for all intents and purposes, this site is within a ‘highway business district.’)
 - c. Economic Development Goal 3- Encourage compatible economic activities that compliments the rural character of the Town based on the independent principle of self-reliance
 - d. Economic Development Goal 7- Promote varied economic base and diversity of employment opportunities recognizing utility limitations where applicable
 - e. Economic Development Policy 19- The Town shall only promote permitted land use activities for the I-95 Cloverleaf area; and Implementation Item for Policy 19: The Planning Board and Town Council shall not endorse any land use activity determined to be a prohibited use. (the use is permitted with a special use permit)
2. The proposed use and expansion of use is consistent with the following purposes of Zoning:
 - a. Provide for a range of uses and intensities of use appropriate to the character of the Town of West Greenwich reflecting current and expected future needs
 - b. Provide for orderly growth and development which recognizes the goals and patterns of land use contained in the West Greenwich Comprehensive Plan, the availability and capacity of existing and planned public and/or private services and facilities
 - c. Promote a high level of quality in design in the development of private and public facilities

Berry-Bryan (5-0)

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Motion to recommend to the Zoning Board the approval of a Special Use Permit to allow the use of General Warehousing, located at 773 Victory Highway, AP 24, Lots 19 and 20, based on the following findings of fact:

1. Combined, the property consists of over 14 acres of land, Lot 19 of which is currently used as a limited use warehouse, and Lot 20 which currently is zoned Highway Business and contains a dwelling.
2. Both Lots 19 and 20 meet the minimum lot size and frontage requirements of the Zoning Ordinance.
3. The proposed expansion of the use will require Development Plan review by the Planning Board.
4. The location of the proposed building expansions meet the zoning rear, front, and side yard setback requirements, and the proposed limit of development will not encroach within the required vegetated buffers to the abutting properties.
5. The use will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property, as the use of a warehouse and a fulfillment company is a relatively low intensity use which is not expected to generate the type of noise or traffic that other industrial or retail uses may generate.
6. The use will be environmentally compatible with neighboring properties and the protection of property values, particularly the use will not emit any offensive odors, sound, light, or vibration to the abutting properties, nor will it be visibly intrusive to any abutting property owners by meeting the landscaping, lighting, and vegetated buffer requirements.
7. The use is compatible with the orderly growth and development of the Town of West Greenwich, and will not be environmentally detrimental therewith.
8. The required review by the Planning Board will ensure that the best practices and procedures will minimize the possibility of any adverse effects on neighboring property, the Town of West Greenwich, and the environment, specifically with respect to drainage, soil erosion, water supply protection, septic disposal, lighting, and traffic safety and circulation.
9. The proposed project is not anticipated to result in or create conditions that will be detrimental to the public health, safety, morals, or general welfare of the community.

Berry-Bryan (5-0)

Motion to allow the construction on the front addition as identified on the plan.

Berry-Bryan (5-0)

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PLANNING PROJECTS

Comprehensive Plan

No action.

REPORTS AND SPECIAL ITEMS

Chairman Boyer asked what applications will be on for next month. Ms. Paquet noted that the solar panel application will be on for next month. She noted that she was also expecting to receive an application for the Victory Woods subdivision, but that it has not come in. She noted that she got a call from the attorney noting that they received the approval from the Department of Health for the well.

ADJOURNMENT

Motion to adjourn. Bryan- O'Loughlin (5-0) The meeting ended at 8:21 p.m.

WEST GREENWICH
May 21, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, May 21, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, and Tom O'Loughlin. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:01 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

April 16, 2012 Regular Meeting

Motion to approve the Consent Agenda. Ward-Regan (4-0) with Ward abstaining.

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston, drafted by Fuss & O'Neill
- For review, comments, and consideration by West Greenwich Planning Board

Ms. Paquet noted that the draft has been revised and that she will be meeting with Lorraine Joubert from URI to go over some comments. Chairman Boyer will review the revised draft after the comments have been made.

Proposed Legislation: House Bill 7866 (aka the "Dry Lands Bill")
-discussion and vote on possible comments to send to State Legislature

Chairman Boyer noted it was worthwhile to send a letter to our State Senators and Representatives, to the Town Council, and to each of the Legislators who sponsored the bill. Chairman Boyer pointed out that the bill was sponsored by Representatives from Bristol, Pawtucket, Warren, Woonsocket, and a home builder from South Kingstown. It was noted that the Senators who sponsored the bill are from Warwick. It was noted that most of these sponsors live in a community with public water and public sewer.

Ms. Paquet noted that West Greenwich requires 1.4 acres of contiguous suitable land, and this bill would limit it to one acre. She noted that for towns with 5 acres, the bill would limit it to 2.5 acres of suitable land, and that this bill puts West Greenwich in the worst position with only one acre. She explained that the reason behind the bill had to do with the feeling that the suitable land requirement was undermining zoning by putting this requirement in the Land Development and Subdivision Regulations, and a perception that there was a public process that was missing. She explained that the process to amend the Land Development and Subdivision Regulations is the same exact process as amending the Zoning Ordinance. She noted that she would not go into the justification now about why the suitable land requirement is in the Land Development and Subdivision Regulations versus the Zoning Ordinance. She discussed that there is also an

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argument about steep slopes, and that it is perceived as unrealistic to not allow over fifteen percent slope to count as buildable land, since that amount of slope is what is needed to make a walk-out basement. The Board expressed concerns about what this will do to the rural communities. It was noted that this will increase density in the rural areas and that it doesn't impact the people who are voting on it.

The Board decided to work out some points for the letter. There was discussion on wording to convey that the Town of West Greenwich Planning Board is strongly opposed to the proposed amendments to the legislation and that the Board has been refining its regulations to protect the citizens of this rural community with regard to wastewater, potable water, and environmental concerns and the health and welfare of the citizens. It was noted that this legislation is not in the best interest of the Town of West Greenwich. The Board noted that the Town has had issues with water availability and questioned what the proposed legislation is based on and what studies they have done. Chairman Boyer noted this letter should go to the Town Council for their support and ask them to send a similar letter. It was noted that it is unjustified for the State to micromanage the rural communities.

Chairman Boyer noted that each and every town in this state has different environmental characteristics and that is why we have planning and zoning, and that the legislature should let the towns continue to determine what is best for them. Mr. Berry noted that there are unique environmental characteristics and challenges and therefore there are differences in the local regulations, which should not be changed by a blanket legislative act. Mr. O'Loughlin discussed, as an example, a problem he had with his well getting filled with slurry the day after a new well was drilled on an adjacent lot to his, after he had been living there for two and a half years with no problems.

There was discussion on consideration for the new stormwater rules with regard for the development of steep slopes, and whether it is practical to develop. The wording was worked out to encourage the authors of the legislation to ensure that the proposed legislation does not conflict with the new stormwater management rules, and to find out if it will be practical to develop on steep slopes, before they make this law.

It was noted to include the language about West Greenwich's minimum suitable land from the Town's Land Development and Subdivision Regulations which states, "The purpose of this requirement is to ensure that all proposed lots are minimally suited to the uses allowed under the Town of West Greenwich Zoning Ordinance, and that all lots should contain building envelopes that are not constrained to such uses. The concept of the minimum buildable area is intended to ensure that each lot created through the subdivision review process will possess a suitable area for full use and enjoyment of its subsequent owner." It was noted that this about the person that is going to live there, not just the person who is going to build it, and that this is for the people who ultimately end up using the property.

There was discussion on the proposed requirement that the towns must provide alternative zoning.

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Chairman Boyer continued to work on the language for the letter to include that every town has unique characteristics and challenges, and therefore have differences in the local regulations which should not be changed by a blanket legislative act. Mr. Berry offered including examples of the certain areas in town, despite the two acre zoning, there are areas in West Greenwich that have water shortages every year. Mr. Regan noted that what happened to Mr. O'Loughlin also happened to him, and noted that when a builder put a well in next to his, 90 feet from his well, it dried up his well and burned the pump out, and noted that this was not a drought year.

Chairman Boyer noted that there should be a statement at the end of the letter that we effectively hope that the Legislators make the right choice to protect the entire population of the State of Rhode Island and not a select group. Wording was worked out to reflect that the Board hopes that the action the Legislators take on this legislation is for the benefit of all the inhabitants of this State. It was noted that there should be a statement that the Town of West Greenwich is not anti-development. Ms. Paquet noted that the Town approved over 300 units over the past few years, and there was a recent article touting West Greenwich as a success story with all the development we've had. It was noted to put this in the letter as testimony that the town is not anti-development. Chairman Boyer noted that the Town has been pro-active with passing new types of subdivision designs for residential compounds and conservation development in town. The wording was worked out to be that the Town of West Greenwich is not anti-development, and that the Town has been proactive in establishing conservation development design ordinances and tailoring our land use regulations to reduce the challenges of developing these properties with constraints on the land.

Chairman Boyer noted that the general public should know about this and that they should be encouraged to get in touch with their Legislators. There was discussion about the process the bill needs to go through and getting this letter to the committees.

Mr. Ward noted that the letter should end with something along the lines that these aspects should be purely left at the local level and not be imposed by a blanket action of the Legislature. Chairmen Boyer stressed that the Board should include that we hope the Legislators are looking out for the benefit of all, and the statement about the Town not being anti-development should be second to last statement.

There was discussion on what happens if this bill passes and the actions the Planning Board would need to take.

It was noted to keep the letter short and to put on the record that the Board is against the proposed amendments. It was noted to state that the Board is strongly opposed to the legislature setting maximum suitable land limits and eliminating steep slopes from the unsuitable land classification. Ms. Paquet recapped the contents of the letter for the Board.

Motion, based on the comments of the Board on the proposed legislation tonight and the direction that the Board wants to go on this proposed legislation, to direct the Town Planner to draft a final letter to send to our Town Council, and our State Senators, State Representatives, and the House and Senate Committees considering the bill, for signature by the Chair. Ward-Berry (5-0).

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Comprehensive Plan

No discussion.

Motion to adjourn. – Ward-Regan (5-0) The meeting ended at 8:20 p.m.

WEST GREENWICH

June 18, 2012

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, June 18, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, Tom O'Loughlin and Alternate Bill Bryan.

Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present.

Consulting Engineer Dan Cotta, PE from American Engineering was also present.

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

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

May 21, 2012 Regular Meeting

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

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

Motion to continue to the end of the meeting, if time, or to next month. Ward-Regan (5-0)

Major Land Development Project: Pre- Application Plan and Advisory Opinion to Zoning Board for Special Use Permit

“Plain Lane Power” 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2

--at 179 Plain Meeting House Road; 10.8 acre solar power panel field and related structures proposed

Applicant/Owner: Plain Lane Acres, LLC (Matthew Leyden, et al)

It was noted that the applicant requested to be continued. It was noted that there were residents present in the audience to hear this application.

Motion to continue to next Planning Board meeting. Ward-Berry (5-0)

Minor Land Development Project: Preliminary Plan and Advisory Opinion to Zoning Board for Special Use Permit for an expansion of a Non- conforming Use

“McLellan Page, Inc.” Expansion of existing non-conforming use – AP 4, Lot 21

(requires Special Use Permit from Zoning Board)

--at 136 Mishnock Road; Zoned RFR-1

Applicant/Owner: McLellan Page, Inc. (Wayne McLellan)

Chairman Boyer recused himself from this agenda item. Vice Chairman Ward took the gavel.

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Tim Behan, PE, engineer for the applicant, approached the Board. Mr. Wayne McLellan was present in the audience. Consulting engineer for the Town, Dan Cotta from American Engineering, was also present.

Mr. Behan gave an introduction to the project and described the location and size of the parcel. He noted that this application needs and advisory opinion to the Zoning Board for a Special Use Permit for an expansion of a non-conforming use.

Mr. Behan explained the existing structures on the property, what will be demolished, and the proposed 8,000 square foot steel building, which will be farther back into the site. He described where the two barns will be relocated. He noted that the parking is proposed to be 9 spaces and that 7 spaces are required according to the Zoning Ordinance. He went over the proposed subsurface drainage structures. He pointed out the proposed plantings.

Mr. Behan discussed the site distance analysis and noted that there will be no increase in workers. He then discussed the proposed phasing of the site work, and went over the building façade, floor plan, door locations and the lighting. He noted the new building will be about 20 feet tall and about 140 feet off the road, and the old building was 16 feet tall but closer to the road. He described the landscaping plan and the proposed sign.

Mr. Ward noted that the road encroaches over the property line and asked if that was considered in the site distance or if it will be changed. Mr. Behan noted that will maintain it as it exists and that it meets the site distance.

Mr. Ward asked if the lighting will be 'dark sky' compliant. Mr. Behan noted it is not specified as 'dark sky compliant' but that it will be shielded.

Mr. Ward asked if there is any loading dock at the garaged door. Mr. Behan noted it is flush with the driveway.

Mr. Berry asked about any buffers to the side and rear of the building. Mr. Behan noted the side yard setbacks, and the lace company to the left. Mr. Berry asked about the rear buffer. Mr. Behan noted it is cleared in the back. It was noted there are woods on the abutting property. There was discussion by the Board on a visual buffer for the rear in the future. The Board noted that it is not needed now, but when the abutting property gets developed it can keep some of the trees.

Mr. Ward asked about phasing timeline and temporary parking, expressing concern in case the building that is supposed to be removed doesn't get demolished. Mr. McLellan noted he can't stop the manufacturing production, and the intention is get the Certificate of Occupancy for the new building and to move the equipment into the new building as each production job is scheduled to be complete. He noted that after the old building is empty, they will need to dismantle the wiring then take the building down. There was discussion about having a timeline, showing temporary parking on the plan, and installing the landscaping. Mr. McLellan noted he'd need 6 to 9 months after the CO.

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The Board asked Mr. Cotta to go over his comments, which haven't been addressed by the applicant's engineer yet. Mr. Cotta pointed out the grades in the rear of the building and Mr. Behan will show the grading around the building. Mr. Behan will address the comments.

Mr. Berry asked about the Fire Marshall comments. Mr. Behan noted the structural will be required for the building permit, and that he did an engineering analysis on the water flow, which meets the requirements.

Motion to recommend to the Zoning Board, for their consideration of a Special Use Permit in order to allow the expansion of the legal non-conforming use of manufacturing, located at 136 Mishnock Road, AP 4, Lot 21, based on the plan entitled, "McLellan Page, Inc.," dated May 2012, the following findings of fact and recommendations:

1. The property consists of 1.18 acres of land and is located within the RFR-1 zoning district. The parcel meets the minimum lot size and frontage dimension required in this zoning district.
2. The location of the proposed buildings meet the zoning rear, front, and side yard setback requirements for the RFR-1 zoning district.
3. The proposed expansion of the use will require Development Plan review by the Planning Board. The required review by the Planning Board will ensure that the best practices and procedures will minimize the possibility of any adverse effects on neighboring property, the Town of West Greenwich, and the environment, specifically with respect to drainage, soil erosion, water supply, septic disposal, lighting, and traffic safety and circulation.
4. The Planning Board recommends that the Zoning Board determine what specific additional requirements may be necessary in order to assure that the proposed use and structures will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property.
5. The proposed expansion is not consistent with the following policy of the Comprehensive Plan:
 - a. Economic Development Policy 1. Existing non-conforming commercial uses are encouraged to continue without expansion; however, rezoning to a higher intensity use is not recommended. This policy is subject to Town Council review on a continual basis. It is meant to support the Goal #1 to 'promote preservation of the Town's rural character, while encouraging limited economic expansion designed to augment the concepts of self-sufficiency and self-reliance. However, the Planning Board finds that the proposed expansion is for the size and location of the main structure in order to provide a more efficient space for work flow, and not resulting in a significant intensification of the use on the site. To further support this, the Board finds that the number of parking spaces available is not increasing, the hours of operation is not increasing, and there is no significant expected increase in the amount of machinery operating on the site. Additionally, the proposed expansion fits within the setbacks and size of the property and fully accommodates the necessary drainage infrastructure to meet current stormwater requirements. While the Comprehensive Plan encourages that non-conforming uses do not expand, this is not a strict prohibition from expansion.
6. Further, the proposed project is consistent with the Land Use Goal "to preserve the Town's rural character while encouraging limited economic expansion designed to

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augment the concepts of self-sufficiency and self-reliance,” as this is a redevelopment and expansion of an existing small, locally owned business.

7. It is also consistent with Land Use Policy “to encourage, through land use regulation, small-scale industrial and commercial development, subject to appropriate performance standards, which is in keeping with the rural character of the town and does not require infrastructure improvements and services not now available” as this plan is for a small industrial re-development, which will need to be reviewed by both the Planning Board and the Zoning Board according to their respective performance standards through Development Plan Review process and the Special Use Permit process, respectively, and further, that this proposed redevelopment will not require any additional infrastructure improvements or services not now available by the Town.

Berry-O’Loughlin (5-0)

Motion to approve the preliminary plan entitled, “McLellan Page, Inc.,” for the property located at AP 4, Lot 21, prepared by TJB Engineering, LLC, prepared for Wayne & Dianne McLellan, and dated May 2012. This approval is granted with the following conditions:

1. This approval is subject to approval by the Zoning Board for a Special Use Permit for the expansion of a non-conforming use.
2. Final review and approval shall be by the Planning Board and shall include an as-built plan of the site layout, parking, and pertinent details of the drainage infrastructure, landscaping, and grading.
3. The site work, including removal of the old building, shall be completed within 6 to 9 months, not to exceed 9 months after obtaining a Certificate of Occupancy.
4. A Stormwater Maintenance Agreement is required for the drainage systems.
5. The applicant’s engineer shall review and address the comments raised by the Town’s engineer.
6. The applicant shall meet all the conditions as detailed in the letter from West Greenwich Fire and Rescue dated 5/31/2012
7. The phasing Plan be revised to show the temporary parking.

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 curbcut will be clearly defined, and that site distance is adequate, and no substantial change in traffic is anticipated.
4. That the proposed land development has adequate and permanent physical access to a public street
5. That there will be no known significant negative environmental impacts from the proposed development.
6. That the design of the proposed development shall minimize flooding and soil erosion.

Berry-O’Loughlin (5-0).

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Chairman Boyer rejoined the Board.

Minor Land Development Project: Preliminary Plan

“Coast to Coast Fulfillment” Expansion of existing building and use—AP 24, Lots 19 & 20
--at 773 Victory Highway; Zoned Highway Business and Industrial A
Applicant/Owner: Coast to Coast Holdings, Inc.

John Brunero, Jr., attorney for the applicant, approached the board. Also present were Scott Moorehead, PE, Hali Beckman, L. Arch., Paul Surabian of Douglas Construction, and Mr. Hermond Kazarian, owner of Coast to Coast Fulfillment.

Mr. Brunero noted that the Town Council approved the zone change back to Highway Business. He explained the phases of the building additions and noted that they do storage, and the shipping is via FedEx or UPS. He noted that the hours are Monday through Friday, 8 a.m. to 5 p.m., and no work on weekends or holidays. He noted that there will be no change from what they have been doing. He noted there are no wetlands on the site and they will use the existing septic and well.

Mr. Brunero explained why they did not follow the stonewall for the property line. He noted they wanted to keep as much land for the other lot as possible so that they don't have a problem with impervious surface.

Mr. Brunero noted there will be LED lights pointed downward and the present signage will be kept there.

Ms. Hali Beckman, Landscape Architect, gave an overview of the proposed landscaping. She noted they are proposing street frontage trees and adding to the existing white pines in front to soften views of the additions. She noted the soils are gravel and drain very quickly and the plants have been designed for those soils. She described the plantings selected for the driveway area and explained what areas would be mowed as lawn, and the conservation mix for the septic area. She described that different seed mixes are used for different areas in the bottom of the drainage pond and on the slopes of the drainage pond. She described the 50 foot buffer and how white pines lose their lower branches and that she proposed oaks that keep their lower branches and other lower plantings in front with native plants that survive the soil conditions. She noted at the top of the slope they are proposing additional plants to soften the building area for a layering effect as they get up towards the building. Scott Moorehead noted there are gravelly, well drained soils.

Mr. Ward asked about deciduous versus evergreen trees and expressed concern about the view in the wintertime from the front of the building. Ms. Beckman pointed out the locations of each, and noted she mixes the species in case of disease, and placed them to look natural.

Mr. Berry asked about the fire access. Mr. Moorehead noted there is a gravel base with crushed stone surface which will be seeded on either side.

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Ms. Beckman showed an aerial photo with the landscaping superimposed. Mrs. Letendre asked if there will be an outdoor smoking area for the employees. Ms. Beckman noted there will be a picnic area for the employees.

Mr. Brunero addressed Mr. Woodmansee's concerns that were raised at the Town Council meeting the other night. He explained that there is no necessity for a red light in this area and there will not be any future development. There was discussion on the common driveway. Mr. Boyer noted that the restriction of no curb cut will be a condition of the approval. Mr. Boyer discussed that if there was going to be a light, it would be with the plans for re-aligning Breakheart Hill Road.

Mr. Moorehead noted the septic system will remain and that they will need an alteration permit.

Mr. Moorehead discussed the Board's request to increase the 20 foot buffer and noted that when he went to 50 feet of uncut buffer that he ran into groundwater separation issues and now they are proposing a minimum of 30 feet uncut buffer with additional plantings to make up the 50 feet vegetation. He explained the direction of the drainage and the watersheds. He noted the drainage for the new building will go around the building to extend the time to try to get as much infiltration as possible. He noted there will be an infiltration basin and that there will be no discharge for the 1 and 2 year storm events. He noted there will be a net reduction in peak runoff for all the other storms. He noted that they will apply for a RIPDES permit from RIDEM.

Mr. Berry asked for clarification if without the drainage basin there will be more net runoff from the 50 and 100 year storm than there would be with the drainage basin in, and asked if it was because of the infiltration, and noted that if it does overflow, there is the level spreader. Mr. Moorehead explained the low point and the level spreader for the drainage. Mr. Berry asked if there is a lot of runoff today onto that lot. Mr. Moorehead explained that the soils on the site are quite well drained.

Mr. Moorehead discussed the proposed additional parking spaces near the employee entrance for a total of 60 spaces. He noted that the number of employees fluctuates seasonally and there is only one shift.

Mr. Bryan questioned the property line and the stonewall and asked about the runoff for this lot and the riprap swale over the other lot. Mr. Moorehead noted there is a proposed easement and there will be cross easements between the two properties. Mr. Bryan asked about the 100 foot spillway and the worst case scenario. Mr. Moorehead pointed out the slopes and noted that the level spreader couldn't be stretched out further because the water would just go back to the same low spot.

Chairman Boyer asked to hear from the consulting engineer. Mr. Cotta noted that they have a Physical Alteration Permit, and that the drainage calculations were recalculated to address the comments. Chairman Boyer went over the comments in the memo and Mr. Cotta noted which items had been addressed. Mr. Regan asked about comment number 12 regarding the impact to the residence. Mr. Cotta noted that the stormwater regulations don't allow you to change water from one sub-basin to another. He noted that all the water from the site is going that way. He

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noted they need to meet the pre-existing rates and volumes, which the calculations do, but that his concern is to make sure it gets constructed properly. The Board noted that this will be a condition of the approval.

Mr. Bryan asked about the roof drainage. Mr. Moorehead noted it is downspouts to overland flow into the swale around the building.

Chairman Boyer opened the meeting to comments from the audience.

Dora Robinson, 39 Breakheart Hill Road, noted that she is the house where the drainage is going. She noted that her main concern is the drainage pond and if a large storm would overspill. Mr. Moorehead explained the design of the drainage and how the spillway and level spreader work.

Mrs. Robinson noted her other concern is privacy and asked about the uncut buffer. Mr. Moorehead explained there will be 30 feet of uncut buffer, that tapers wider to 50 feet at the edges, and noted that what gets cut will be revegetated. Chairman Boyer explained that the berm will be 6 feet higher in elevation than what is there now. Ms. Beckman explained the proposed landscaping for this buffer. She noted the elevations and noted that there will be clethera by the level spreader that gets between 6 and 12 feet tall, and pointed out where the viburnum will be which is also a shrub and will keep its lower branches. She pointed out the locations and species of the other proposed trees. She noted that she was trying to layer with a multitude of different heights and densities where there is none now. She explained how going up the berm it is vegetated, where if they were white pines, there would be only tall trunks that you could see through.

Mrs. Robinson asked about the lighting. It was noted that a lighting plan has not been submitted. Mr. Moorehead passed out copies of the lighting fixture sheet for downlight LED based lighting. It was noted there are wallpacks existing. There was discussion. Mrs. Robinson noted that they used to not see any light at all from the building, and now they see light and are concerned that it is going to get worse. It was noted that the existing lighting on the building are high pressure sodium wall packs but are not cut-offs. Mr. Brunero noted that they would be taken out and replaced with downward lighting. Mr. Berry asked if there are any deliveries at night. Mr. Brunero noted there are not and it is 8 a.m. to 5 p.m..

Mrs. Robinson asked if she could get something in writing about the drainage pond not making the water flow worse. It was noted that it is on the record. Mr. Brunero noted everyone suffered during the March 2010 flood, and noted that whatever is there now, it will not increase.

Mr. Bryan asked to have the existing wall pack lighting replaced sooner rather than later. Mr. Brunero noted that was reasonable.

Chairman Boyer asked about maintenance for the drainage pond. Mr. Moorehead noted that there is a maintenance schedule on the plan, and that they recommend mowing three times a year. He noted the biggest problem is sedimentation, but once it is stabilized it should be ok. Chairman Boyer expressed concern about maintenance and potential problems if it is not

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maintained. The board noted to require an as-built plan and a follow-up inspection one year later. It was noted to include in the one-year review any replacement of dead plants.

Mr. O'Loughlin asked about the drainage calculations and if they assumed no infiltration all the way through the swale to the basin, considering they mentioned earlier that they expect there to be infiltration. Mr. Moorehead noted that they did not factor it in the calculations, and that they assumed it was going to flow over the grass area.

There was discussion on the items from the Planner's Memo. It was noted that they need to submit the lighting plan. Mr. Brunero noted that the signage will stay as it is now. Ms. Paquet noted that the architectural plans were submitted.

There was discussion on the 10 foot parking lot landscaped requirement. It was noted that only 4 feet is provided. It was noted that there is only 4 feet that is existing now. There was discussion. The Board did not have any issue with this.

There was discussion on the house lot property and the Board noted that any further development of the house lot will be off the common drive. There was discussion on making a stipulation for a deed restriction about this, and put it on the administrative subdivision plan, and to make it subject to Planning Board approval.

Ms. Paquet asked where the maintenance access for the detention pond was. Mr. Moorehead pointed out the designated access, and the access for the forebay. Ms. Paquet pointed out there is a spot at the top of the hill with no landscaping that is in direct line over the spillway area with the lowbush blueberries, which will be only 14 inches high, to the house. It was decided to fill that hole in with trees.

Motion to approve the Preliminary Development Plan entitled, "Coast to Coast Fullfilment, Proposed Building Addition," for AP 24, Lots 19 & 20, prepared for Coast to Coast Holdings, Inc., prepared by SFM Engineering Associates, dated March 2012, revised through June 11, 2012, along with the Landscape Plan prepared by Hali Beckman, Ltd., revised June 12, 2012 .

This approval is granted with the following conditions:

1. This approval is conditioned upon the approval by the Town Council for a zoning district amendment for AP 24, Lot 19 to allow the proposed use on the property.
2. This approval is conditioned upon the approval by the Zoning Board for a Special Use Permit
3. Lighting plan shall be submitted for review by the consulting engineer and all lighting, existing and proposed, shall be directed downward and shall be full cut-off fixtures.
4. Signage shall remain the same as existing.
5. The applicant's and the town's engineers shall work together to resolve any discrepancies. Also, the applicant's engineer shall be on site during construction to monitor the construction of the drainage system.

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6. Final review and approval shall be by the Planning Board and shall include an as-built plan of the site layout, parking, and pertinent details of the drainage infrastructure, landscaping, and grading; and review and inspection by the consulting engineer.
7. A Stormwater Maintenance Agreement is required for the drainage system.
8. The applicant shall apply for a RIPDES permit.
9. The owner/applicant shall ensure that the site is fully stabilized from erosion prior to issuance of a Certificate of Occupancy.
10. The subdivided parcel shall use a common driveway, to be recorded in the land evidence records and annotated on the plan.
11. Additional plants as discussed, in the area in a straight line in view with the level spreader shall be filled with plantings.
12. A follow up inspection shall be performed on the drainage system by an engineer one year after the date of the as-built.
13. The owner shall be responsible for maintenance of the drainage system.

This motion is based on the following findings of fact: (1-6 from the draft motion)
Ward-Regan (5-0)

Comprehensive Plan

No discussion.

REPORTS AND SPECIAL ITEMS

Ms. Paquet noted that the Planning Commissioners Journal has been discontinued and that they are offering to either refund the money we paid for the last issue, or switch to an on-line subscription. It was decided to try the on-line subscription for a year.

COMMENTS BY BOARD MEMBERS

Chairman Boyer noted he received a letter in his mailbox to the neighbors about the solar panels. He noted it was put in the mailboxes in the area, just so the Board members know about it and what their issues are. Ms. Paquet noted that she pointed out those concerns to the applicant so that they can address them.

Motion to adjourn. Ward-Regan (5-0) The meeting ended at 8:59 p.m.

WEST GREENWICH

July 16, 2012

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, July 16, 2012. Present were: Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, Tom O'Loughlin and Alternate Bill Bryan (7:11 p.m.). Chairman Mark Boyer was absent.

Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present.

Vice Chairman Ward called the meeting to order at 7:01 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

June 18, 2012 Regular Meeting

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

Motion to table Old Business. Berry-Regan (4-0)

Motion to change the agenda order to hear the Waltonen application first. Berry-Regan (4-0)

Minor Development Plan: Pre-Application Plan

"T & L Waltonen Enterprises, Inc." -- AP 6, Lot 29

--at 65 Nooseneck Hill Road (corner of Valerie Drive); Zoning: Highway Business

Proposed for mixed-use office, residential, and product display area

Owners: Peter Jr., Judy, & Gregory Contardo

Applicant: T & L Waltonen Enterprises (Thayden and Linda Waltonen)

Attorney John Pagliarini, Jr. approached the Board. With him were Tim Behan, PE, and Mr. and Mrs. Waltonen, in the audience.

Mr. Pagliarini explained the property and the proposal. He explained that the property is currently a mixed use property with 2 commercial units and one residential unit, and that the proposal is to maintain the residential apartment and a small rental office, like for a realtor or professional office, and to propose to move the sales office from Mishnock Road up to this site. He noted that on site will be samples of what can be purchased at the Mishnock Road site, and if someone wanted to purchase a small quantity, there will be a bobcat on site to load a pick-up truck. He noted that large deliveries will come out of the Mishnock Road site. He explained that this will be effectively a point of purchase, with higher visibility than the Mishnock Road site.

Mr. Pagliarini noted that Valerie Drive is a dirt road and that it enjoys all the rights of any other highway, according to the warranty deed. He noted that there is no limitation on Valerie Drive for a commercial entrance there. He noted that there will be a dumpster.

Mr. Timothy Behan, PE explained the existing site and noted that the existing building will remain as-is. He pointed out that existing curb cut on Nooseneck Hill Road will remain the

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same, and that the curb cut off Valerie Drive will be reconfigured. He pointed out the loading area and trash dumpster locations behind the structure, outside the 50 foot setback.

Mr. Behan discussed the number of parking spaces, and the locations for the residential parking and the commercial parking spaces. He noted that the site is served by Kent County Water and that there is a septic system there. He noted there would be a slight increase in runoff due to the pavement and pointed to a proposed subsurface infiltration system to take care of it.

Mr. Bryan arrived at 7:11 p.m.

Mr. Berry asked what kind of products will be sold here. Mr. Pagliarini noted that the initial concept is for small piles of the selection of stone and mulch, noting that they are limited by the size of the site. He noted that there will also be some small rental equipment in the building and outside. Mr. Pagliarini noted that the difference between the Mishnock site and this site is that the size and the visual from Nooseneck Hill Road will keep things contained.

Mr. Berry asked about signage. Mr. Pagliarini noted that there is an existing sign and they will stay within the four corners of the existing sign. Mr. Berry noted that on Route 4 southbound there is a tractor trailer truck parked there with signs on both sides of it and asked if there are any plans for something like this. Mr. Pagliarini noted there is a possibility that there will be a corporate van there. Mr. Berry asked about any other types of signs such as an empty tractor trailer. Mr. Pagliarini noted that it won't be an empty tractor trailer and noted it would be in a designated parking space.

Mr. Berry asked about the type of traffic that is expected to be generated. Mr. Pagliarini noted there would be a bob cat on site if someone pulled up in a pick-up truck. Mr. Ward asked what kind of rental equipment will be there. Mr. Pagliarini noted it will be the small stuff, and will rotate seasonally, like snow throwers in the winter, or lawn mowers at that time, or log splitters in the fall. Mr. Ward noted there should be a limit on the number of displays outside. There was discussion on the location of the display areas. Mr. Ward noted there is a need to understand what constitutes the rental equipment and what will be displayed. He pointed out that there can be a nice showroom inside. He noted there needs to be a better plan for the equipment rental location and any lighting.

Mr. Berry asked about the front corner and if there will be any landscaping or small shrubs. Mr. Behan noted it will be a grass surface. Mr. Berry asked if there will be any renovations to the building. Mr. Waltonen noted they will do some siding and painting, and the storefront will be mostly glass.

Mr. O'Loughlin asked how the piles will be contained. Mr. Waltonen noted it will be with blocks, and they wouldn't be any bigger than 20 yards in any given pile and there would be about 6 or 8 different samples.

Mr. Bryan asked which business elements of T & L Enterprises will actually use this site. Mr. Pagliarini noted it will be the corporate headquarters for all the holdings. Mr. Bryan questioned which of the assets could be seen on the property. Mr. Pagliarini noted it will rotate through the

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equipment, but the corporate office wants to move to this facility, and they will direct clients to the other site. Mr. Bryan noted that his apprehension is having a clear understanding of exactly which of the assets could be on the property at any given time, and expressed concern that half of the equipment could end up on this property, and noted that the Board needs to have a clear understanding. Mr. Pagliarini noted that they are limited by size. Mr. Ward reiterated that the Board wants to restrict the number of outside items that could be out there and it will be a stipulation.

Mr. Ward recapped the points that the Planning Board will be looking for, noting the landscaping, the number of rental devices that will be there, and no storage units to be located on the premises.

Major Land Development Project: Pre- Application Plan and Advisory Opinion to Zoning Board for Special Use Permit

“Plain Lane Power” 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2

--at 179 Plain Meeting House Road; 10.8 acre solar power panel field and related structures proposed

Applicant/Owner: Plain Lane Acres, LLC (Matthew Leyden, et al)

Attorney John Pagliarini, Jr. approached the Board. Matthew and Timothy Leyden were present in the audience. Other consultants were present for this application. Mr. Pagliarini gave an introduction to the project and noted that it is a passive use of the property that does not create noise, glare, and there is no evidence of any health hazards that exist for solar farms, and that it is ideally situated on the grid with minimal need for wires. He noted that the proposal is for underground structures until it gets to Plain Meeting House Road. He noted that, unless you know it is there, you're not going to know it is there. He noted that the distance and the tree line work in the favor of the abutting residents on Kimberly Drive. He noted that the proposed use will be shared by the tree farm, including the Halloween activities.

Frank Epps, with rTerra, the developer approached the Board. Mr. Epps gave a description of the property, noting its size and entrances. He noted that they took careful consideration with siting this project. He noted they wanted to make sure they would not interfere with the visual impact for the abutters, or the operations of the Christmas Tree Farm, including the Halloween time hayrides. He described the location of the site where the solar farm will be. He noted that there is a natural buffer of 30 to 40 foot pines which will remain in place. He noted that there is then a 20 to 35 foot decline into a depressed area, where they are looking to site the facility. He noted that for the residents on Kimberly Drive to view the facility, they would have to walk through the woods, go over to the ridge and then look down to see the solar panels.

Mr. Epps noted that they would interconnect the panels to the grid at Plain Meeting House Road, but that there will be no equipment visible there. He noted that the interconnection will be underground and will run from the southern end of the project area and follow the road right out to Plain Meeting House Road. He noted that there will be no visual effect to the surrounding area.

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Mr. Epps noted that during the operation, the four inverters to convert the direct current to alternating current will be placed on the west side of the project area, and that there will be thermostatically controlled fans, which will not be audible to the residents or to the farm operation. Mr. Epps passed out pictures of the inverter cabinets. He noted that Con Edison Development will be the owner and operator of the system. He noted that the system array will be fenced in and gated for security purposes. Regarding glare, he noted that solar panels are made to absorb light, not reflect it, and that they are also coated with an anti-reflection coating on the glass. He noted that solar panels have a reflectivity level that is like water, which is very low on the spectrum, and noted that solar panels are allowed within 50 feet of runways for airports, and explained that if glare was an issue this would not be allowed. He noted that it is a very passive system and that the panels will be mounted at a 25 degree angle and that they will not be very high off the ground. He summarized that they are mitigation any visual effect, and that noise and glare are mitigated. He noted that when the system is operational, it requires two scheduled maintenance trips per year, so the traffic is very minimal. He noted that the system is monitored 24/7 through an internet. He noted that during construction, there will be equipment to get the land ready and also to construct the units themselves. He noted that the construction time would be 2 or 3 months tops. Mr. Ward noted that this traffic study is not based from an engineering perspective, but from Mr. Epps' knowledge of the maintenance of the facility.

Alan Benevides, PE, from Woodard and Curran, approached the Board. Mr. Benevides noted his role is to work on the civil site aspects and the environmental permitting, and gave an overview of how the plan was prepared and how the site location was selected. He noted that this plan is the concept plan and that they used the existing information from RIGIS to develop this layout. He noted that they checked with Rhode Island Historic Preservation and that there are no historic resources, and that they wrote a letter to the Rhode Island endangered species program and that there are no endangered species on the property. He went over the conceptual layout of the solar panel arrays on sheet C-102 of the plan submission. He explained that they made sure the layout could fit the number of panels needed to meet the power for 2.0 megawatts. He noted that since this conceptual submittal, that they have performed a detailed topographic survey, a Class 1 survey, and a wetlands delineation. He noted that they will fine-tune the plan based upon the more detailed information for the next step in the review process. He noted that the design will comply with the Rhode Island Stormwater Design Manual, and noted that any site greater than five acres has to apply for a RIPDES construction permit.

Mr. Ward asked about disconnect panels. Mr. Epps noted that the disconnects will be on the poles on Plain Meeting House Road, and some inside the site on the inverters. He noted that the metering capacity is outside the transformers and the inverters, which are together. It was noted that if the power goes out, this will not be able to produce emergency generation for the area. Mr. O'Loughlin asked if there is an interconnect agreement with National Grid. Mr. Epps noted that they do, and that they already have their feasibility study completed and are waiting for it back to get the power purchase agreement with National Grid. He noted that it is just a matter of days before they finalize the impact study. It was noted that National Grid agreed to allow the transformers that far back into the property and that National Grid worked on the single line designs on the feasibility study and that they accepted it. It was noted that there is no storage capacity.

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Mr. Regan asked how RIDEM looks at the coefficient for the stormwater. Mr. Benevides noted that RIDEM does not consider this an impervious surface for the curve number.

Mr. Bryan asked what is used for a containment area for the transformers. Mr. Epps noted that the transformers are mounted on a pad with containment pads on them.

Mr. O'Loughlin asked how many transformers there will be. Mr. Robert Deobler, from Con Edison Development, explained that they would like to use one transformer because it is cheaper, but the maximum would be two. He noted that they will be pad mounted, and there will probably be two inverters on a pad, and a transformer, and that the transformer will have oil containment for the FR3 oil, which is like vegetable oil, and as a Con Ed practice, they will have 150 percent containment. There was discussion on the disconnects.

Mr. Bryan asked what the life expectancy is on the panels. Mr. Deobler explained that there is a full replacement warranty for 25 years, and the warranty goes down after that, to 85 percent of the production capacity. Mr. Berry asked if they would be removed from the site after that. Mr. Deobler noted they are putting in long-term, with a 15 year PPA (power purchase agreement). Mr. Berry asked what happens with damaged panels that get replaced, and if they are removed from the site, or if they are stockpiled. Mr. Deobler noted that they will have a few emergency spares on site. He noted that if one is damaged or broken, the manufacture comes and takes it.

Mr. Berry asked if there are any hazardous materials. Mr. Deobler noted that the only thing is the FR3, which is like vegetable oil, and that it will be contained. He noted that you hear about cadmium, but that cadmium is in thin film panels, and that they are using crystalline panels, so they are not using the cadmium technology. He noted that the only thing is the oil.

Mr. Deobler noted that the panels are fixed, not rotating, and there is minimal maintenance.

Mr. Bryan asked if there are any issues or concerns with experience as these have been developed over the past decade, with impacts on wildlife. Mr. Deobler noted that there are not. He noted that the biggest issue they have in New Jersey is that deer like to jump in to eat the grass, but they jump back out. He noted that a site in Groveland, Massachusetts has the wood turtle, which is protected, and that for part of the site they will raise the fence up.

It was noted that this site will have 6 foot chain-link fence and that there will be no barbed wire. It was noted that the 6 foot fence will be below the ridgeline.

Mr. Berry asked about a buffer if the property to the west ever gets developed. It was noted that that is State protected property and can't be developed, and that there is also a wetland there. Mr. Bryan clarified that there is no line of site for anyone in the vicinity to this project.

Mr. Berry asked about Fire department access. Mr. Benevides noted that there is a 12 foot separation between the rows. He noted that there will be an access road running along the entire site.

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Mr. Berry asked about if there were any drainage or erosion issues with the site in Massachusetts. Mr. Deobler noted that there were no issues, and that they put in silt fence during construction, and removed it after they were done. Mr. Benevides noted that the Rhode Island Stormwater guidelines are more rigorous than Massachusetts, and discussed the RIPDES construction general permit. He noted that they don't anticipate needing a wetlands permit, but if they have to get it they will. Mr. Deobler noted that in general, they just stay away from wetlands, and noted that the wetlands are back into the trees, and that they need to be away from the trees due to the shade, and noted that they will be well away from it. Mr. O'Loughlin asked if this is why the application went down a megawatt. Mr. Deobler explained that part of the reason was also the original plans went out with what was proposed to National Grid for the power purchase agreement, and they were only willing to pay for so much, so they are not going to put in more than the grid is willing to pay for. It was noted that 100 percent of this capacity will go into the grid, and not be used for the tree farm.

There was discussion on the timeline for the project. Mr. O'Loughlin asked about what they would do for protection during the fall months for the fall seasonal operations on the farm and the trenching work out to Plain Meeting House Road. Mr. Deobler noted that for trenching, they only open up as much as they can fill. He noted that there will never be an open trench overnight. There was discussion on working with the farm owners for the seasonal operation.

Mr. Ward recapped the concerns of the Board. He noted that the Board will be looking for cut sheets, locations for any and all disconnects, the metering capacities, the inverters, and any pole locations. He noted that the Board will definitely want to see underground cable going from the unit out to the single pole that they are going to put in, and the Board wants some concept on the spare panel storage, make sure the panels are crystalline and non-hazardous, that there be no barbed wire on top of the 6 foot fence, and to get the fire department approval. He noted that there doesn't seem to be any concern with a traffic study and questioned asking for a waiver on this, and to work it out with the Town Planner. He noted the other concern appears to be the time of year for the construction, which appears to have been worked out with the Leydens.

Vice Chairman Ward explained that this is just a pre-application meeting, and that public input is not required, and noted that to address concerns in the future, he'll open up to public comments for a brief time.

Joel Peterson, Kimberly Drive, asked what the reason is for putting an industrial facility into a residential area. Mr. Pagliarini noted that the Zoning Ordinance permits this by Special Use Permit in a residential area. Mr. Ward noted that anything that is allowed by Special Use Permit is essentially permitted, but that it goes through a public hearing process. Mr. Peterson asked what they plan on doing with the lot at the northern end of the property. It was noted that it is not part of this project. Mr. Peterson asked if there is not going to be an access coming off the cul-de-sac onto this property. It was noted that there is no reason to. Mr. Benevides noted that this is the maximum size this project can be. Mr. Peterson asked what happens if the site is abandoned if it is not producing. Mr. Deobler noted that they checked this out pretty good and are confident that it will produce, and noted that they have guarantees from the manufacturer on what it will produce. Matthew Leyden, the land owner, noted that they have an agreement with

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Con Edison that at the end of the 15 year term, if so decided, they will come in and completely restore it back to the original land.

Mrs. Letendre, attorney for the Planning Board, explained that the issue has been that if it outlives its useful life and another technology comes along, then what happens. She noted that she is satisfied knowing that there is an agreement to remove the panel field if and when it is no longer in use. It was noted that the Planning Board can also put this down as a stipulation. It was noted to also suggest this to the Zoning Board to make as a condition of their approval.

Gary Speciale, Kimberly Drive, asked when the public hearing occurs. Mrs. Letendre noted that there is a Zoning Board public hearing for the Special Use Permit. She noted that the Planning Board is reviewing the concept of the plan and making a recommendation of some of the issues that they see, to the Zoning Board for their consideration. She noted that after the Zoning Board meeting, it will come back to the Planning Board for a public hearing and that the neighbors within a 500 foot radius of the property will get notice of that. Mr. Speciale noted that he sees this as the same type of power generation as a wind farm and requested that an impact study be done. He suggested visiting other sites to see what the current impact is that is happening at other residential facilities. He noted that in Massachusetts, they are rejecting these in residential areas. He noted that his concern is that this is in a residential area and is right behind his house. He noted that he is not adverse to alternative energy, but that he wants some type of study done to evaluate this.

No one else had any comments.

Mr. Ward went over the items to include in the motion.

Motion to recommend to the Zoning Board the approval of a Special Use Permit to allow the use of Fuel & Power in the RFR-2 Zoning District, specifically a 2.0 Megawatt Solar Photovoltaic Power generation located at 179 Plain Meeting House Road, AP 30, Lot 2, with the following conditions of approval and based on the following findings of fact:

Conditions of approval

1. Provide cut sheets along with the location of any and all disconnects, meters, inverters, transformers, and poles
2. There shall be underground service from the site to the pole
3. Indicate where the spare panels will be located, recommended to be in a shed
4. The panels shall be crystalline type which are non-hazardous
5. No barbed wire on fence
6. Fire department review and approve the plans prior to final Planning Board approval
7. Submit a copy of the agreement with the land owner stating that the discontinued use requires that the developer or owner of the panels remove the panels from the property.

Findings of Fact

1. The property consists of over 90 acres of land, half of which is currently used as a Christmas Tree Farm and seasonal entertainment as a Halloween attraction.

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2. The proposed use of a solar power generation field will occupy approximately 11 acres of the property.
3. The proposed location of the solar panel field is surrounded by a natural wooded buffer to the west and south west, the existing farm to the south and east, an existing residential neighborhood farther to the east, and a wooded lot to the north owned by the applicant.
4. The location of the solar field meets the zoning rear, front, and side yard setback requirements, and will meet the required setback from a wetland and water body.
5. The use will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property.
6. The use will be environmentally compatible with neighboring properties and the protection of property values, particularly the use will not emit any odors, sound, light, or vibration to the abutting properties, nor will it be visibly intrusive to any abutting property owners, as the existing hedgerow and wooded area to the east of the project area on the subject property will remain.
7. The use is compatible with the orderly growth and development of the Town of West Greenwich, and will not be environmentally detrimental therewith. Specifically, the use of generating clean, renewable solar energy, without causing negative affect to the surrounding area, is an environmental benefit which will enhance quality of life.
8. The required review by the Planning Board will ensure that the best practices and procedures will minimize the possibility of any adverse effects on neighboring property, the Town of West Greenwich, and the environment, specifically with respect to drainage, soil erosion, water supply protection, septic disposal, wetland protection, and traffic safety and circulation.
9. The proposed project is not anticipated to result in or create conditions that will be detrimental to the public health, safety, morals, or general welfare of the community.

Berry-Regan. Discussion. Mr. Berry questioned when an impact study should be done. Mrs. Letendre noted that the time to consider that request would be after the Zoning Board has approved the Special Use Permit, before it comes back to the Planning Board for Preliminary approval. There was discussion. Motion on the table. Motion approved (5-0).

Attorney Pagliarini requested that the Master and Preliminary plan reviews be combined. There was discussion. Mr. Bryan noted he just wants to be sure to have the opportunity to have whatever discussions they want to have. Mr. Berry noted that he didn't have a problem with it as long as the Board gets what we need from the applicant in terms of making sure there are no issues, like in other states or other places where this has been installed. Mr. Berry noted that the purpose of a Master Plan is to go over the concept, such as with layout of houses, and noted that it didn't seem to really apply here.

Motion to allow the applicant to proceed with Master and Preliminary Plan in a combined public hearing. Berry-Regan (4-1) with Mr. Bryan voting nay.

The applicant was advised to have an impact assessment and a traffic study to address the construction traffic.

The Board was invited on an individual basis to visit the site or to tour a facility operated by Con Edison.

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DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

No discussion.

PLANNING PROJECTS

Comprehensive Plan

No discussion

ADJOURNMENT

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

WEST GREENWICH
August 20, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, August 20, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, Tom O'Loughlin (7:05 p.m.) and Alternate Bill Bryan (7:20 p.m.). Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:04 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)
July 16, 2012 Regular Meeting

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

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

No discussion. Motion to table Old Business. Ward-Regan (4-0)

Minor Development Plan: Preliminary Plan

“Industrial Tower and Wireless, LLC” -- AP 3, Lot 16 (at proposed condominium unit #4)
--at 111 Hopkins Hill Road; Zoning: Industrial A
Proposed for new 170 foot tall new monopole cell tower and equipment storage area
Owners: Gansett Associates, LLC
Applicant: Industrial Communications/ Industrial Tower and Wireless, LLC

Mr. Kevin Delaney from the engineering and site development department of Industrial Tower and Wireless approached the Board. He introduced John Champ, site acquisition specialist and Richard Vocci, surveyor for Industrial Tower and Wireless. Mr. Jeff Butler, property owner, was also present in the audience.

Board member Tom O'Loughlin arrived at 7:05 p.m.

Mr. Delaney explained the application request and the proposed site location. He described the proposed site plan and access easement. He noted that the utilities will be underground and that there will be an eight foot high chainlink fence around the facility. He noted that the site is 10,000 square feet and there will be a monopole tower and equipment shelters and outdoor weather proof cabinets on concrete slabs. He noted that within the 10,000 square foot compound there will be 6 inches of ¾ inch crushed stone.

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Mr. Delaney went over the propagation study showing the areas of existing coverage and where this site will fill in a gap in coverage.

Chairman Boyer expressed concern of the proximity of the proposed tower to the residential area as compared to the rest of the entire property which is surrounded by other commercial land, and asked if it could be farther away. Mr. Delaney noted that it was the space that worked best for the land owner and noted that he had plans for other customers for the rest of the property.

It was noted that the cell tower would be adjacent to the detention basin.

Mr. Berry noted that they put the antennas on a water tower in Narragansett. There was discussion on the possibility of putting the antennas for this application on the water tower at Amgen. Mr. John Champ noted that he spoke with Amgen about the water tower several times, but that they did not respond in the affirmative to him and he has not heard back from them. He noted that that water tank might be too far east anyway.

Chairman Boyer noted again that his only concern is the proximity to the residential area. There was discussion. Mr. Vocci noted that the closer the tower is to the tree line the better it is for blocking the view. It was noted that the neighbors will be notified for the Zoning Board hearing.

Mr. Ward noted it would be advantageous to move it farther away from the residential area, if possible. Mr. Butler noted that it would stick out like a sore thumb if it were anywhere else on the site and that it will be tucked into the tree line and will meld better if it is tucked into the tree line. The Board reiterated that this might be an issue at the Zoning Board meeting.

Chairman Boyer suggested a photosimulation for the Zoning Board hearing so the residents can see what it will look like. Mr. O'Loughlin suggested a view from the people's back yards.

There was discussion on the existing conditions on the overall site. Ms. Paquet noted that the site has been exposed for quite some time now, and that the project still needs to come in for final review and approval for the as-builts and recording of a drainage maintenance agreement. She noted that the road is owned by the private condominium association. She noted that there is the potential for wind erosion which would mostly be affecting the tenants in the park.

Motion to approve the Preliminary Development Plan for the proposed communications tower and associated equipment cabinet area at AP 3, Lot 16, proposed condominium unit 4, as shown on the plans entitled, "Hopkins Hill Business Park," Owner Gansett Associates, LLC, Applicant Industrial Communications, Sheets 1 through 5 prepared by DiPrete Engineering, and Sheet 6 prepared by Industrial Communications Engineering Division, dated 7/18/2012, with the following conditions:

1. post a bond adequate to cover the cost of dismantling and removal of a tower no longer in use (to be posted by owner and lessor)
2. Tower must be structurally inspected by a registered engineer every 10 years and a certificate of such inspection shall be filed with the Building Inspector.
3. install an evergreen screen around the fence

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4. Construct the drainage infrastructure and evergreens prior to Final Approval of Development Plan
5. That the applicant submit a Certificate of Authorization to Practice in the State of Rhode Island along with the Building Permit application.
6. The owner of the Hopkins Hill Business Park shall submit a Final plan application for review and approval prior to the submission of any subsequent Development Plan applications.
7. The detention basin is to be certified by an engineer that that no adverse effects have occurred as a result of building the cell tower.
8. Demonstrate to the Zoning Board that this is the best spot on the site for the tower.

This approval is based on the following findings of fact:

1. That the proposed cell tower meets the review criteria for Development Plan Review, including criteria for Ecological Considerations; Landscape; Relationship of Proposed Structures to Environment; Scenic, Historic, Archaeological Landmark Sites; Surface Water Drainage; Driveway Connection to Public Streets; Traffic Effects; Pedestrian Safety; On-Site Parking and Circulation; and Utility Services. Minimal site work is needed to install the tower within an existing industrial development. There is also an existing 100 foot naturally vegetated buffer reserved between the residential neighborhood and the industrial development, and the proposed 170 foot tall monopole tower will be 300 feet away from the nearest residential structure.
2. There will be no significant negative environmental impacts from the development, and that it provides for surface water run-off control and shall minimize flooding and soil erosion.
3. That the proposed cell tower and application meets the additional Design Standards for Site Plan Approval for Communications Facilities, particularly the erection of the tower preserves the preexisting character of the surrounding buildings and land uses as much as possible, and existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized.
4. The tower shall not be artificially lighted.

Ward-O'Loughlin (5-0)

Motion to recommend that the Zoning Board approve the Special Use Permit application for the proposed communications tower and associated equipment cabinet area as shown on the plans entitled, "Hopkins Hill Business Park," Owner Gansett Associates, LLC, Applicant Industrial Communications, Sheets 1 through 5 prepared by DiPrete Engineering, and Sheet 6 prepared by Industrial Communications Engineering Division, dated 7/18/2012, with the following conditions:

1. the Development Plan application shall receive Final approval from the Planning Board or Planning Department after the proposed drainage has been installed.
2. post a bond adequate to cover the cost of dismantling and removal of a tower no longer in use (to be posted by owner and lessor)
3. Tower must be structurally inspected by a registered engineer every 10 years and a certificate of such inspection shall be filed with the Building Inspector.
4. The Zoning Board shall determine whether additional screening is required.

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5. The applicant shall comply with all the Planning Board stipulations of Development Plan approval.

This motion is based on the following findings of fact:

1. The use of a cell tower will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property, as it will be located in an Industrial Zoning District, and will be over 300 feet away from the nearest dwelling, and there is a natural vegetated buffer 100 feet wide.
2. The use will be environmentally compatible with the neighboring properties and the protection of property values.
3. The use will be compatible with the orderly growth and development of the Town of West Greenwich, and will not be environmentally detrimental therewith. The tower will allow for cell phone coverage in an area whether there is currently a gap in coverage.
4. The best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the Town of West Greenwich, and the environment have been considered and will be employed, including but limited to: consideration of soil erosion, water supply protection, septic disposal, wetland protection, traffic limitation, safety and circulation
5. The use will not result in or create conditions that will be detrimental to the public health, safety, morals and general welfare of the community
6. The purposes of the Zoning Ordinance shall be served by the Special Use Permit

Ward-Berry (5-0)

PLANNING PROJECTS

Comprehensive Plan

No discussion

COMMENTS BY BOARD MEMBERS

The Board members asked for new copies of the Zoning Ordinance and Subdivision Regulations.

The Board suggested an amendment to the Zoning Ordinance to increase cell tower buffer setback distances from residential areas, so that the fall zone does not overlap the required setbacks.

ADJOURNMENT

Motion to adjourn. Ward-Regan (5-0) The meeting ended at 7:53 p.m.

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September 14, 2012
PLANNING BOARD SITE VISIT

A site visit by the West Greenwich Planning Board was held on Friday, September 14, 2012. Present were: Chairman Mark Boyer, Secretary Tim Regan, David Berry, and Tom O'Loughlin (5:40 p.m.). Town Planner Jennifer Paquet was present. The Board members met on site at the main entrance for 179 Plain Meeting House Road. The site visit commenced at 5:00 p.m.

Major Land Development Project: Site Visit in preparation for Preliminary Plan

“Plain Lane Power” 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2
--at 179 Plain Meeting House Road; 10.8 acre solar power panel field and related structures proposed

Applicant/Owner: Plain Lane Acres, LLC (Matthew Leyden, et al)

Landscape Architect George Gifford, of The Gifford Design Group, Inc. was present. The Board walked the existing road through the tree farm up the proposed utility and access easement, and observed the property line and the existing vegetation. The Board walked northwest along the property line and observed the height of the land in relation to where the panels would be located. The Board observed the existing hedgerow. Mr. Tim Leyden joined the group at 5:30 p.m. Board member O'Loughlin joined the group from the lower elevation at 5:40 p.m. The group then walked back south east through the tree farm observing the vegetation at the property line and at the hedgerow. There was discussion on vantage points from the houses out to the west, and the proposed evergreen buffer. It was noted that the vantage points would be shown and explained at the public hearing.

The site visit ended at 6:00 p.m.

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September 17, 2012

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, September 17, 2012. Present were: Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, Tom O'Loughlin and Alternate Bill Bryan. Chairman Mark Boyer was absent. Assistant Town Solicitor Nancy Letendre (7:07 p.m.) and Town Planner Jennifer Paquet were present. Town's consulting engineer, Dan Cotta, PE, PLS from American Engineering was also present. Vice Chairman Ward called the meeting to order at 7:03 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

August 20, 2012 Regular Meeting

Motion to approve the consent agenda. Berry-O'Loughlin (5-0).

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

No discussion. Motion to continue Old Business. O'Loughlin-Regan (5-0)

Minor Development Plan: Preliminary Plan

"T & L Waltonen Enterprises, Inc." -- AP 6, Lot 29

--at 65 Nooseneck Hill Road (corner of Valerie Drive); Zoning: Highway Business

Proposed for mixed-use office, residential, and product display area

Owners: Peter Jr., Judy, & Gregory Contardo

Applicant: T & L Waltonen Enterprises (Thayden and Linda Waltonen)

Attorney John Pagliarini was present and asked for a continuance.

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

Major Land Development Project: combined Master and Preliminary Plan Public Hearing

"Plain Lane Power" 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2

--at 179 Plain Meeting House Road; solar power panel field and related structures proposed

Owner: Big John's LLC (Matthew Leyden, et al)

Applicant: West Greenwich Solar, LLC c/o Con Edison, and rTerra

Attorney John Pagliarini approached the Board.

Assistant Town Solicitor Nancy Letendre arrived at 7:07 p.m.

Mr. Pagliarini noted that they were before the Board previously for the pre-application review and gave an overview of the project. He noted that the site is Big John Leyden's Christmas Tree

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Farm and is over 91 acres, and that approximately 10.8 acres of the site are proposed to be a solar farm. He noted that it is an allowable use within the RFR-2 zoning district and that a Special Use Permit was granted by the Zoning Board. He noted that the application was before the Planning Board for an advisory opinion that was sent to the Zoning Board. Mr. Pagliarini noted that they are back before the Board tonight with all the engineering and that they have several experts here that they can call. Mr. Pagliarini noted that Mr. George Gifford, Landscape Architect who will address the screening; Mr. David White, who will address the stormwater management and grading; and Mr. Robert Deobler of West Greenwich Solar, LLC and Con Edison.

Mr. Pagliarini noted that the Board members have had an opportunity to visit the site. He noted that they had a surveyor stake out the property line so that they could tell exactly who had what vegetation and where its actual location was. He noted that it is his understanding that the Board members did visit the property and see what the vegetation was and would be seen from each of the residents on Kimberly Drive. He noted that Mr. Gifford will speak to his belief with the vegetative screening that is proposed.

Mr. Pagliarini called Mr. White to ask him questions with stormwater management.
Mr. Berry asked to have Mr. Pagliarini give an orientation on the map first.
Motion to open the public hearing. Berry-Bryan (5-0)

Mr. Pagliarini pointed out the features on the map, indicating the location of Plain Meeting House Road, Kimberly Drive and the residences, the 91 acre tree farm, and the proposed location of the solar farm.

Mr. David White, Civil Engineer with Woodard and Curran approached the Board. Mr. Pagliarini asked Mr. White questions and Mr. White noted that he is a licensed civil engineer with the State of Rhode Island, that he has testified before planning and zoning boards previously in Tiverton and Cranston, and noted that he is familiar with this project and that he worked on this project so that he can answer questions from the Board. The Board accepted Mr. White as a witness.

Mr. White explained the stormwater management plan for the property. He pointed out the proposed layout on Sheet C-102, and noted that the site generally slopes from east to west towards the wetland resource area. He noted that they are proposing to adjust the grade at the site to hold the top of the ridge and come down a 2:1 side slope and then 6% over to the proposed gravel access drive that will serve as the westerly limits of the proposed improvements. He noted that the site is orientated so that there are 41 rows of solar panels and pointed these out on the plan. He noted that in between the solar panels there will be a 12 foot wide crushed stone reservoir where the runoff will drain to and will be allowed to infiltrate into the ground in order to treat the stormwater. He noted that they have put checkdams at 50 foot intervals and pointed to these on the plan, and explained that they are to slow the water down further and to enhance the infiltrative capacity of the crushed stone basins.

Mr. White noted that there will be grass below each panel array and on the areas of disturbance that are not areas of crushed stone infiltration basins. He noted that he is not specifically familiar

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with the type of grass, but that he does know it is Ernst slow growing seed. In response to Mr. Pagliarini's questions, he indicated that it is his professional opinion that the proposed stormwater management plan will meet the Town regulations and will not have any adverse effects on the wetland or any other parcel in the vicinity. He noted that he worked on the grading and explained that the current conditions on the site are relatively flat in an area he indicated to on the plan, and noted the location of a steep slope that goes down to another flat area that is used for tree farming, and that it gently slopes off toward the wetlands at the west end of the site. He noted that they are proposing to cut back the slope to a 2:1 slope and then slope the project 6% towards the gravel driveway, and that at that point, from the gravel driveway to the west the existing topography will remain.

Mr. Pagliarini asked Mr. White if he had an opportunity to review the Town Engineer's comments that were handed to him just before the hearing. Mr. White noted that he had not. Mr. Pagliarini asked to have his engineer review them and to call him back if the Chair will allow. Vice Chairman Ward noted he can be called back. Mr. Berry asked if this was the same correspondence just received today, and asked if they haven't had time to digest it. It was noted that the engineer will read it and be called back.

Mr. Pagliarini called Mr. George Gifford, Landscape Architect, to the Board. Mr. Gifford announced that he is a licensed Landscape Architect in the State of Rhode Island and that his office is at 4096 Mendon Road in Cumberland. He noted that he has previously testified and been accepted as a witness before this Board. Mr. Pagliarini asked if he can proceed with Mr. Gifford as a Landscape Architect expert. The Board noted that he could. Mr. Pagliarini asked Mr. Gifford questions and Mr. Gifford responded. Mr. Gifford noted that he is familiar with the site and has walked it. He noted that his task was to prepare a planting plan displaying an evergreen screen along the eastern property line to screen the project from the neighbors, but that more than that, before they prepared that plan, he was to analyze the existing conditions to see what kind of screening there would be even without any proposed plantings. He noted that the Board is aware that he walked the property a couple of times. Mr. Gifford put a display board of photographs up on the easel, and explained that one of the first discoveries they found was the existence of a very dense planting of pines right along the property line. Mr. Gifford explained that he is referring to the critical property line along the east where the project comes as close as 100 feet from the property line. He noted that they walked this zone and reviewed the existing plantings along that property line and noted that they found a barrier of some 30 to 40 foot high evergreen trees as indicated on the photographs he displayed. He noted that it is critical that he convey to everyone that they have no intentions of disrupting this barrier.

Mr. Gifford explained the second analysis he conducted, which pertained to topography. He noted that the previous expert spoke about grading of the site. He noted that despite the explanation of the 2:1 slope and the 6% slope, that he would like to relate to the audience that the project generally follows the existing topography. Mr. Gifford explained that what is important to note is that there exists right now a very dramatic drop in topography, and that if one were to walk from the eastern property line towards the project, you'd walk across a relatively flat Christmas tree growth area, and then you'd come to an existing drop in the topography, which is very steep, and that at the base of that drop is where the solar panels are going to be constructed. He explained that that drop in topography will remain, although it will be made more uniform

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with the 2:1 slope. He further explained that this is important because they are utilizing this drop in topography to help screen the project. He noted that he conducted some visual sight studies, which were conducted deliberately from four of the neighboring homes. He noted that they projected the locations of the neighboring homes, and that they projected view points onto the property directly perpendicular to the property line, and in addition, they projected a couple diagonal view points onto the property. He noted that they found that in most cases, just the topography effectively screens the project, because it sits down in this hole. He noted that furthermore, he found that in all cases, the combination of the topography and the existing vegetation effectively screens the property from both first story and second story. He noted that in addition to that analysis, they also proposed an evergreen barrier in order to make sure that upon maturity, that this screen is going to be provided during all months of the year. He noted it is going to be a mixture of spruces and fir and that the vegetation will remain dense right on down to the ground. Mr. Gifford pointed out an area where they utilized existing woodland on the northeast corner where they will leave, without touching, the existing woodland on their property. He noted that it was an area where it is not necessary to extend the evergreen screen into that area.

Mr. Pagliarini asked Mr. Gifford what if an abutter cleared the trees on their side of the property and what would they see. Mr. Gifford noted that it depends and that he found that if Lot 12 and Lot 11 cleared all the vegetation on their property, that they would still have effective screening of the project just by the topography. He noted that if the abutters on Lots 13 and 14 cleared all the vegetation on their property, they would still have effective screening on the first floor, but they would have to wait perhaps three to four years for the evergreen barrier to grow to have screening from the second floor. Mr. Pagliarini asked if the plan that we are reviewing now takes into account the Planning Board's commentary from a previous meeting and brings in the Saccoccia property and puts additional screening across Nichols Road and the property to the most southeast. Mr. Gifford noted that was correct. Mr. Pagliarini asked Mr. Gifford in his professional opinion, does the proposed screening as shown on the plan, in addition to the existing vegetation and the existing topography, adequately screen this project from the residential abutters. Mr. Gifford noted yes it does.

It was noted for the record that the plan Mr. Gifford was referring to is a revised landscape plan from what was in the Planning Board's packets. The date on the revised plan is September 14, 2012. Mr. Gifford submitted two full sized, and 10 reduced sized copies of this revised plan consisting of 4 sheets total, starting with sheet L-100.

Mr. Pagliarini asked Mr. Gifford if the question he just asked him with regard to the existing topography, the existing screening, and the proposed vegetative screening that they are putting in, in conjunction with the removal of the trees at the top of the ridge line, if he feels as though any neighbor is going to see this proposed solar farm. Mr. Gifford noted that the vegetation that runs along the ridge is not a very effective screening type of vegetation and noted that there aren't enough evergreens in the mix along there. Mr. Pagliarini clarified that the trees at the top of the ridge are going to be removed and that Mr. Gifford's study assumed its removal and that his testimony is that without those trees on the top of the ridge, adequate screening now exists based on this plan that is before the Board. Mr. Gifford stated that's correct.

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Mr. Bryan asked about the photographs shown earlier and if those evergreens are within the Leyden's property line, or on the abutters' property. Mr. Gifford noted that it varies, and that they had the property line staked out. He noted that the trunks of the trees are very close to the property line, sometimes they are just in the neighbors land, and sometimes they are a bit into the Leyden's land. He noted that this is why his point is that those that fall within the Leyden's land are going to stay. Mr. Pagliarini clarified that they have no authority to take something down that is not on the Leyden's property, so the commentary is that if a neighbor took down a tree, that they are not proposing to take down any trees on the Leyden side of the property line.

Mr. O'Loughlin asked if the screening is in addition to what is there. It was noted that that was correct.

Mr. Gifford noted that the trees are a mixture of Balsam Fir, Norway Spruce, and Douglas Fir and that they are going to be installed at a height of 7 to 8 feet. Mr. Bryan asked about why they are clustered rather than mixed. Mr. Gifford explained that it is a double line of trees that are staggered and that they did not want to create a monoculture. He explained that there is a tendency to be concerned that if they proposed all the same trees that theoretically one type of insect or one type of disease could someday just wipe out the whole barrier. He noted that by mixing in clusters of three different varieties there is an added level of security that the barrier will remain in perpetuity.

Vice Chairman Ward asked Mr. Gifford about the slow growing grass and if it is going to cause a fire hazard if it is not maintained. It was noted that someone else could answer that question.

Mr. Pagliarini called Mr. David White back to the Board. Mr. White noted that he has had an opportunity to review the Town's consulting engineer's comments. He noted that there were six comments, the first being if the amount of test pits that they performed at the site were adequate to characterize the groundwater elevations and ledge elevations at the site. He noted that it is his opinion that they have performed sufficient testing, but that they would be happy to take a look at it and submit additional information if the Board feels it is necessary. He noted that they performed six test pits in the locations shown on the plan and noted that the range was 32 inches to about 11 feet deep, and that in some instances they encountered boulders in the bottom of the hole and did not dig any further. He noted that the focus of the comment was for test pits that he pointed to on the plan and the fact that there would be substantial cuts in this location. He noted that the boring logs in that area did go to 11 feet on one and 8 feet on another and that they did not encounter any observed weeping coming from the side of the pits in these locations, and so they feel as though they have the drainage system at the right elevation so that they won't have any limiting factors such as solid ledge or any groundwater seepage into the infiltration stone basins.

Mr. White noted that item number 2 was in regards to the infiltration rate. He noted that the site consists of Paxton fine sandy loam and under the stormwater standards, RIDEM sets a 1.02 inches per hour infiltration rate unless you can show site evidence that you actually physically measured the infiltration rate on the site. He noted that they did perform physical tests on the site and determined that the infiltration rate on the site was 6 inches per hour and they took a

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factor of safety and lowered the infiltration rate to 3 inches per hour and that is what the design basis was in accordance with the stormwater standards as well.

Mr. White noted that item 3 is in reference to the traffic report and that it doesn't appear that any exception was taken to the findings of that specific report.

Mr. White noted similarly for item 4, which was related to the information that Mr. Gifford just provided to the Board.

Mr. White noted for item number 5, that it was correctly noted that the RIDEM Wetlands Preliminary Determination has not been issued, and that they do expect that that will be issued with a Determination of Insignificant Impact to the wetland resource area. He noted that Mr. Cotta is asking that any changes to the Stormwater Management Plan that result from that review be brought the Board's attention.

Mr. White noted item 6 was relative to the stony and rocky nature of the site and the presence of large boulders and the need for the project to have crushed stone for the infiltration system and whether that stone be derived from off- site or on- site. Mr. White noted it is his understanding that the materials will be provided by the on-site materials. Mr. Ward asked if a stone crusher will be brought on site. Mr. White noted it is necessary.

Vice Chairman Ward asked Mr. Cotta, the Town's consulting engineer, if he had any questions. Mr. Cotta asked Mr. White what method he used for the soil test for the infiltration. Mr. White noted he believed it was a percolation test. Mr. Cotta noted that percolation isn't allowed and wondered if it was double- ring, then asked Mr. White if he's gotten any results back. Mr. White noted that he doesn't recall the specific methodology, and that he went from the Stormwater Management Report into Mr. Cotta's note, that they didn't provide the backup supporting documentation for that, but they'd be happy to provide the Board with the notes from the infiltration tests. Mr. Cotta noted that that would be great. Vice Chairman Ward noted as long as the two engineers work it out between themselves and that Mr. Cotta feels confident of their method and how they derived that data. Mr. Cotta noted that the concern was that he believes there is close to 2,500 yards of crushed stone, which is a lot of trucks if they are bringing that material in, and noted that it wasn't accounted for. He noted that there are plenty of boulders that can be processed on site, but then there will be a crusher and a washer, because they are going to need clean washed stone, and noted that he just wanted to know which way they were going.

Mr. Bryan asked when the test pits were dug and when were the observations done on the percolation. Mr. White noted that the testing was done in July of this year. Mr. Bryan asked if the observation for the weeping was also done in July. Mr. White noted that was correct.

Mr. Berry asked if they are going to crush a lot of stones and wash it on site. Mr. White noted yes, that is the intent. Mr. Berry asked if they have an estimate on how long the crusher will be there. Mr. White noted that he does not, and noted that he is not the contractor and that he hasn't done any estimation as far as the duration for the crushing. He noted that his understanding is that the earth works operation as a whole will take a couple of months. Mr. Berry noted that this

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is something that the Board would like an estimate on for the neighbors. Mr. Pagliarini noted that he thinks they can provide that with the next expert.

Mr. Regan asked if they have had any conversations with the stormwater folks at RIDEM on how they are going to treat the solar facility. Mr. White noted yes, they have. He noted that they had a pre-application meeting with them as well as for another similar installation in Westerly. He noted that in that instance they have obtained their freshwater wetlands permit from RIDEM and noted that they are proposing the same stormwater system at that site as they are proposing here. He noted that they don't anticipate any specific issues relative to the approach. Mr. Regan asked if they have come up with a coefficient for a solar facility. Mr. White noted that they worked with them to develop a curve number runoff coefficient that was consistent with Rhode Island (inaudible).

Mr. Berry commented that a lot of times they have heard in the pre-app and in other meetings about the solar panels themselves, like hazardous waste and so on and so forth, and from his understanding, these are newer panels which aren't hazardous at this point and asked Mr. White if he can provide any information on this. The question was deferred to the next expert.

Mr. Bryan asked what the area of disturbance was and what it encompasses beyond the panels. Mr. White explained that it is around 17 acres and there is a fence area of a security fence around the array which is about 8 and a half acres, and pointed to an area of additional clearing around the perimeter which constitutes the remaining additional acreage count. Mr. Pagliarini asked if that acreage also includes the access road in the easement area. Mr. White didn't recall.

Mr. Berry asked if there is going to be underground transmission from there to the street. Mr. White noted yes, and described the location on the plan where the transmission line would be subsurface and follow the existing gravel drive through the tree farm, to where it would go above grade and tie into the aerial system maintained by National Grid.

Mr. Bryan asked to clarify the area of disturbance, other than the slope bank area which he understands will be rip rapped, and asked about the lower area, if it was just cutting some vertical vegetation or if it was not full disturbance and regrading. Mr. White noted that was correct. Mr. Bryan asked if there was not any revegetation of that area either, or if it was just cutting the brush. Mr. White explained that there are some areas where they will have some fill slightly beyond the fence line for about 20 feet, and pointed out that the majority of the area from a point to the perimeter wetland where there would be just simply clearing and would not be slope shaping. Mr. Bryan asked if it is not revegetating, if it is just leaving the remaining ground vegetation in place. Mr. White noted he believed that is the case.

The Board had no further questions for Mr. White

Mr. Robert Deobler, for ConEdison Development, 100 Summit Lake Drive in Valhalla, New York, was called to the Board. He noted that Con Edison is the applicant and the ultimate parent of the LLC that will own and operate the facility. Mr. Pagliarini asked him to explain for the Board how the easement and how the power is going to get from Plain Meeting House Road to the site. Mr. Deobler pointed to the plan and indicated where the power line will follow the route

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of an existing gravel road and noted that right next to the gravel road will carry the transmission line and where it will enter the site. He noted that they will be underground up until the point where it connects with the National Grid system. Mr. Pagliarini asked if there would be 3 or 4 additional telephone poles that National Grid will dictate *where* close to Plain Meeting House Road. Mr. Deobler noted that was right and pointed out where they have their existing line run along and that they will put a series of 4 poles which will have different equipment and noted that his stuff will go to the 4th pole.

Mr. Pagliarini asked if the perimeter of the proposed project is going to have a chain link fence. Mr. Deobler noted this was correct and that it will have a six foot chain link fence around the facility, and it will be gated and locked. He explained that the site will be secured with a six foot fence, danger, keep out, and it will have a lock on the gate. He noted that the facility will be monitored electronically through the internet to see how it is operating. He noted that if at any time it goes off-line, they will know about it, and any time is not performing correctly, they will know about it. Mr. Pagliarini noted that at a previous hearing they went through great lengths to clarify that should there be a power failure in this area, that this is not a battery storage area that is going to supply power, and asked Mr. Deobler to explain what happens if there is a massive power failure in the Plain Meeting House area. Mr. Deobler noted it is a big concern with the utility, who never wants his system to feed into a line that they think is down. He noted that if there is an outage out there somewhere, and they are working on the lines, they don't want him backfeeding in, and noted it is a very big deal with National Grid. He noted they will go through an interconnect to make sure this is absolutely correct. He explained that if the inverters don't see the grid, it shuts down, but that this is not good enough for National Grid, who wants relays on top of that. He explained that they have the actual inverters, and redundant relay on top of that to make sure that if the grid goes down that this facility automatically shuts down.

Mr. Pagliarini noted that one of the Board members asked a question that he said he would come back to with regard to hazardous material. He asked Mr. Deobler if there is any substance, oil or anything within an inverter that would be classified as hazardous. Mr. Deobler stated no. Mr. Pagliarini asked what type of oil, if there is any oil in an inverter, is used. Mr. Deobler explained that there is none in the actual inverter, but in the transformer, that steps up the voltage. He noted that it is an insulating oil and that all transformers have insulating oil. He noted that any transformer that you see on a power line has insulating oil. He explained that they use FR3, which is basically a vegetable oil. Mr. Pagliarini asked if there is any type of redundant system if there is a leak. Mr. Deobler noted yes, and explained that the transformers have a containment that holds this oil, and that they build a monolithic pour concrete pad underneath it, with basically a moat or an area that is 150 percent of the amount of oil. Mr. Pagliarini asked Mr. Deobler to describe the solar arrays themselves and if there are any hazardous materials known in these solar panels. Mr. Deobler said no and explained that for the panels, the hazardous stuff that comes up a lot is another technology, the thin-film, which does contain cadmium, which is a harmful substance. He noted that these are silicon panels and crystalline panel, and that they do not have any harmful substances. He noted that there is no cadmium in these panels.

Mr. Deobler discussed that there will be storage shed that will be on site. He noted it will be to store special tools to open up the transformers, and other items for the site, as well as a few spare

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panels. He explained that it is a normal Cape Cod looking shed that people would have in their back yard. He noted that there would be approximately 10 panels in there, at the most.

Mr. Pagliarini asked about panels that have been replaced and the disposal proposal. Mr. Deobler noted that when they purchase the panels they are guaranteed for 25 years, and that if one breaks the manufacturer comes and takes it. He explained that if they had one that was underperforming or for some reason gets damaged, which is very rare, they will take it out, ship it off site, and put in a new one immediately. He noted that the only reason for keeping panels on site is if something drastic does happen, or if there is a series of panels if for some reason they are defective and underperforming, that they can replace them quickly. He noted that they would be taken off site and there wouldn't be panels laying around. He noted that the turn around time to remove a defective panel is a couple of days.

Mr. Pagliarini asked about the grass. Mr. Deobler noted this site is a little bit different because they are using a gravel system and that some states don't like gravel. He explained that New Jersey considers gravel a pervious [Note: I think he meant to say 'impervious'] surface. He noted that to stabilize the soil they put in a low-growth grass, to keep the site from becoming a mud-pit in the rain. He noted that the grass grows very slowly and it is maintained by a landscaper that they have. He noted that the same guys who plant the trees will plant the seed and maintain it.

Mr. Pagliarini asked how long the crusher will be on site. Mr. Deobler noted that it is better for them cost-wise to use the existing stone on site, and there is no reason to take it off and bring stone back in. He noted it would take approximately a month. Prompted by Mr. Pagliarini, he indicated it would minimize traffic of bringing trucks in and out, and cost.

Mr. Deobler noted the project will take two to three months to build-out. He noted that the crushing of the stone will go on concurrently with the installation of the site. He noted that his company has done these projects in other locations and that he has done himself 6 projects-- four in New Jersey, two that are coming on line very shortly in Massachusetts, and another one that is already on-line in Massachusetts where they did encounter a lot of rock and crushed the stone there. Mr. Ward asked if it was correct that he has only done one site with the crusher on site. Mr. Deobler noted that was correct. Mr. Ward asked if there was washing operations for the stone there as well. Mr. Deobler noted that the stone was cleaned and that was correct. Mr. Ward asked if the engineer took into consideration the stormwater management as far as the crushing operations, because he did not hear any testimony on this. Mr. Ward redirected the question to Mr. White and asked him if he made provisions in the stormwater plan for washing the crushed stone. Mr. White noted that if washing needs to occur, that the runoff leachate from the operation will need to be contained on site and be infiltrated into the ground, and be filtered before it went into the wetland. It was noted that this needs to be designed and certified.

Mr. Ward noted that the operations of a crusher can be quite loud, and asked if the crushing is going to be down below the embankment and if the applicant would not be adverse to not starting before 8 and making sure the crusher ended at 5. Mr. Deobler and Mr. Pagliarini agreed to this.

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Mr. Berry asked about the six foot fence and if deer can jump in and get trapped and if an 8 foot fence would be better. Mr. Deobler noted that if a deer jumped over a 6 foot fence, that it can jump over and get back out. He explained that in New Jersey there are two sites where deer jump in every night, and they wander around, eat the grass, and jump back out.

Mr. O'Loughlin asked about the oil containment pits and if they have any active sumps. Mr. Deobler noted it is just a pit and would have to be a manual job to clean it. He noted that they don't want a sump possibly pumping out onto the ground. Mr. O'Loughlin asked if this is part of the weekly visit on site. Mr. Deobler noted that the transformers undergo testing. Mr. O'Loughlin asked if the duct bank will be concrete encased or buried and if they are worried about it being driven over. Mr. Deobler noted it will be buried on the side of the road and will be deep, about 3 feet, with clean sand fill for the trench.

Mr. Bryan asked about the remote monitoring of the systems, and the relays and the cabinets, and if they have provisions for responding if something occurs. Mr. Deobler explained that they put in a monitoring system because they want to know how these things are operating, because that is how they make money. He noted that they monitor every minute of the day and they give alarms if something were to trip, such as if a transformer or an inverter is down. He noted that they get the alarm right away and it goes to their central website, a number of people's phones, and since ConEd manages a lot of power plants, they also have a desk that is manned 24 hours a day and they also get the signal. Mr. Bryan asked if they are responding from New York. Mr. Deobler noted no, and explained that they have an asset management team, and that as soon as this plant is built that they will have a man in the area.

Mr. Ward noted that the Board had previously asked to have the switch gear and other cut sheets submitted. He asked if out at the pole where it goes up from the underground and back to aerial, if there is any type of switch gear or any manual shutoffs on that pole. Mr. Deobler noted that there is a switch on his side with a relay on it. Mr. Ward asked if the switch is located at the pole or back at the main site. Mr. Deobler noted his switch has an SEL relay on his site, and it will trip off the plant if there is something wrong on his side, and if it sees something wrong on National Grid's side it will trip off. He noted that when they come down to the National Grid system, he has a manual disconnect and then next pole is National Grid's revenue meter, and after that National Grid has a recloser, which is almost like his switch, and after that, National Grid has a manual disconnect. Mr. Ward noted that there are a number of redundant switches. Mr. Deobler noted there are a lot of switches, both manual and automatic. Mr. Ward asked how big these switches are. Mr. Deobler noted that his switch will be about three-quarters of the size of this table (referring to the table in the room where the Planning Board is seated.) He noted that National Grid's switches are going to be pole mounted and made reference to when you see a cross brace on a pole, and noted it is not going to be the same type of look as his. He noted he could send pictures of a National Grid installation in Massachusetts. Mr. Ward asked Mr. Deobler if his switches are ground mounted or pole mounted. Mr. Deobler noted that his main switch on the site is ground mounted. Mr. Ward asked about any pole mounted ones. Mr. Deobler noted that a pole mounted one is just a thing on a cross brace, and it is not very large. Mr. Ward noted he was asking these questions to see if the switch gear needs to be screened in or protected, and that he just wanted to make sure the switch wasn't as big as this room, and that they have some sort of visualization.

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Mr. Bryan asked if the National Grid switch is a larger version of the disconnects that you typically see on poles going down the street. Mr. Deobler noted it is probably not going to be much larger than what you typically see. Mr. Bryan asked if these are standard utility poles. Mr. Deobler noted that was correct. Mr. Pagliarini clarified if these are standard wood poles that are indigenous to Plain Meeting House Road, not standard 100 foot tall massive steel. Mr. Deobler noted that they are regular looking telephone poles.

Mr. Cotta noted that the site doesn't have any water and asked if they would be putting in temporary well for water or if they would be trucking it in for the washing of the crushed stone. Mr. Deobler noted they would need to bring it in. Mr. Pagliarini noted they could have a discussion with the property owner to use the large pond.

Mr. O'Loughlin asked if the pad mount switch was going to be within the fenced area. Mr. Deobler noted that was correct. Mr. O'Loughlin asked if they are going to come up on the riser pole. Mr. Deobler noted that the pad mount switch is going to be pretty close to the ridge and pointed to the location on the plan. He noted it would definitely be inside the fence. Mr. O'Loughlin asked if they are going to have a pole mounted gang-operated switch on the riser. Mr. Deobler pointed to the location of that and showed where there are going to be no poles. He noted that he will mount his meter cabinet on a pad mount. Mr. O'Loughlin asked if the visible break will be on one of the last poles for National Grid. Mr. Deobler noted where the visible one for Grid will be.

Mr. O'Loughlin asked about grounding for the fence. Mr. Deobler noted it will be grounded as required. Mr. O'Loughlin asked if they are doing any type of ground grid. Mr. Deobler noted yes. He noted that normally they will ground the fence if there are power lines going over it. Mr. Bryan asked if there are any back there. Mr. Deobler stated no.

Mr. Ward asked if the Board had any other comments.

Mr. Berry noted for the audience that the Board did a site visit last Friday, and that they were out there for about an hour walking with Mr. Gifford and Mr. Leyden. He noted that the Board has a good visual of the area. Mr. Ward noted that he met Mr. Gifford out there the previous Friday and noted that a majority of the Board did walk the site and get a good feel of the terrain and the current screening capacity.

Mr. Ward asked if the Board had any other comments or concerns. Hearing none, Vice Chairman Ward opened the hearing to comments from the audience.

Mr. Stephen Cacciatore, 97 Kimberly Drive, asked what the projected lower figures that will come in because of the homes in the surrounding area, because they are probably going to depreciate. He stated that people moved out here for the country and here you are all of a sudden putting in this project in our backyard. He asked what is it bringing into the Town and if it is bringing in more revenue. He asked on the tax structure, how much money is going to come in here. Mr. Pagliarini noted that nobody can make the statement, if he had an expert sitting here it

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would be their professional opinion that did or did not affect value, but what the Town Tax Assessor is going to rely on is history. He noted that he cannot say that it will or will not affect value. Mr. Cacciatore stated that he should know if it is going to affect value. Vice Chairman Ward asked Mr. Cacciatore to calm down. Mr. Pagliarini noted that he is trying to answer the question without testifying, because he might be the only expert in the room who can answer the question as a real estate and a tax assessor. He noted that his answer would be that the applicant has gone to great lengths to ensure the screening and that this project will not be visible from any of the residential properties. He noted that the use was permitted by the Zoning Board, and that it is a Special Use Permit permissible in the RFR-2 district. He noted that it is something that the Town Council considered when they adopted the Zoning Ordinance, and it is consistent with the Comprehensive Plan. He noted that this would be his answer.

Mr. Mario Luis, 42 Kimberly Drive, asked if this has ever been installed in an area where they get a lot of traffic of people going through. He noted that he can see them putting that somewhere where they don't have anybody going to that particular area, and asked if all the other ones that they've done, are they in areas where they have people actually going to that area for one reason, or was it just a field. Mr. Ward asked Mr. Luis if he is asking about areas that have high traffic around them and are very visible from the road. Mr. Luis explained that we approved for Big John's to have the hay ride and that they have thousands of people going through there every year. He noted that all the folks on Kimberly Drive, plus other areas, voted on that, and approved it, and supported it to give them some assistance with their taxes. He noted that his concern is that you are putting something like this in, and everyone in this room that had their kids when they were small, and some still have children that are small, we used to go to the farm. He stated that kids wander, and he knows that there is a six foot fence, and that it doesn't take much for a kid to jump six feet. He asked if the Town of West Greenwich is going to be liable if someone gets hurt or falls, or if the Town gets sued. He noted that he doesn't want the Town to be liable and that before the Town makes a decision, we need to look at what is presently being done at that farm. He noted that they are not just selling Christmas Trees. He noted that the Board needs to visit all the past practices that are going on there. He stated that if Big John wants to have a field full of panels, and if the Town approves it and everybody is comfortable with it, let it be, but they can't have their cake and eat it too. He noted that they can't have panels, they can't have hay rides... He stated that he knows this is America, but there needs to be some sort of a compromise, particularly for a safety point of view.

Mrs. Nancy Letendre introduced herself to the audience. She noted that she is legal counsel for the Town and that she sits with the Planning and Zoning Boards. She explained that she will answer Mr. Luis' question about Town liability specifically. She noted that this is a private installation on private property and that there is no Town liability by virtue of the Town making an approval through this Board, or any other Board, or the Town Council. She noted that it is her understanding that the current uses are going to continue on the property, and that they have a right to, subject to licensing. She noted that she believes that one of Mr. Pagliarini's experts could testify as to how that's going to be managed, and noted that there was some discussion about this last time, and asked Mr. Pagliarini to talk about the different uses on the property and how it is going to be managed. Mr. Pagliarini explained that effectively, the Leyden's are ceding control of this portion of the property to the applicant, so there is no reason for anybody to be in that general vicinity. He noted that there is a six foot fence. He noted that if somebody climbs

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over that fence they will be prosecuted, and that they have no business and no aptitude if they are jumping a six foot fence to go into a solar array. He noted that there is no reason for anybody to be in there, and that he is sure the Leyden's will direct the hayride traffic away from that area. He noted that the Town is not big on signage, but that it might be appropriate for a sign on any road leading towards that vicinity to say, 'No Entry Beyond This Point,' et cetera, if the Board so saw fit, to put people on notice that there are no more trees after this point.

Mr. Ward asked Mr. Luis if he was satisfied. Mr. Luis indicated so.

Mr. John Duchesneau, 167 Kimberly Drive, noted that he lives across from lots 14 and 13 and that his house sits at a considerable elevation higher. He noted that when the leaves drop, that he has a pretty unobstructed view of the whole area that goes across what would be in between lots 14 and 13 on both sides of their houses. He noted that it just happens to be that the cul-de-sac runs down, and his house goes up, about a 30 foot difference between the foundation at lot 14 and his house. He noted that when the leaves fall, he has a pretty unobstructed view across that whole valley. He noted he saw that they did visual lines of sight from the actual abutters, but that he is across the street and he is concerned about this area where they said they are going to keep the existing forest, and when the leaves drop if he is going to see that. He noted that that will have an impact on his property values because he's lived here 19 years, and it is going to take away from his enjoyment of his property, and the future value, if at some point when he gets older, if he does leave or stay. He asked what is going to be done about that and if that is going to be looked at. Vice Chairman Ward asked if there was any data on the elevation of his house. Mr. Pagliarini asked Mr. Duchesneau to go up to the map and point out his house. Mr. Duchesneau pointed out his house and noted that these aerial photos are usually taken when the leaves fall off so you get a good perspective. He noted from his bedroom windows and the dining room, and pointed out where he looks across in various areas, and noted that this is all in where these are going to be. He pointed out where he said he thinks the buffer is going to go to. He turned the page on the plan. He noted that he doesn't see much change in grade from what exists there to what is going to be there. He noted that in the Fall, when the leaves all drop, that it is a pretty clear view. He pointed to a house on West Log Bridge and explained that it sits down quite a bit and that right now you can't even see that house, which is a good 300 feet away, and when the leaves drop, he can see that house clear as day. He noted that his concern is that he is going to be looking this way and he's enjoyed that for 19 years. Mr. Pagliarini asked Mr. Duchesneau about the orientation of his house and asked which way the front of his house faces. Mr. Duchesneau noted it faces West. Mr. Pagliarini asked him if his deck is in the back yard. Mr. Duchesneau noted there is a deck out back and that the front is the living room, the dining room and the bedroom is upstairs, and noted that when the sun sets it is very nice when you look out there. He noted that he doesn't want to lose value or his enjoyment of his property. Mr. Pagliarini asked if this was based on the Leyden's vacant lot as it exists today. Mr. Duchesneau stated exactly, and explained that it is woods, and that is why he came out here. He explained that he used to live in Cranston and he didn't like it. He noted that he came out here to the woods because this is what he wanted—the rural thing. He stated that he doesn't care if there were other houses built because that is not obstructive to most people who come out here, but when you have to look at a solar field or a piece of a solar field, this is his concern. He stated that if he doesn't have to see it, it is of less concern. He noted he is up considerably higher than these houses as he pointed to the plan. Mr. Pagliarini called Mr. Gifford.

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Mr. Gifford noted that he didn't conduct a sight access study for the properties across the street, so he can't specifically answer his question. He noted that the area that was indicated to is an area where clearing is not going to occur, and they will not be impacting the vegetation in this zone and pointed to the plan. Mr. Gifford clarified that Mr. Duchesneau looks out between lots 13 and 14, and noted that his proposed screen goes all the way along the rear line of lot 13 and a little bit into the rear line of lot 14, and so in fact, if Mr. Duchesneau is looking between lots 13 and 14, he is going to be looking over the proposed screen. He noted that not knowing just how high Mr. Duchesneau's house is, there is a possibility that some time will be required for the screen to grow in order to block the solar panels in their entirety. He noted that his guess, just from his view corridor analysis of lots 13 and 14, that it will be a relatively short amount of time.

Mr. Ward asked Mr. Duchesneau if he was satisfied. Mr. Berry asked if Mr. Gifford could go out and do another site traversal for that. Mr. Ward asked if the aerials have been flown in that area for the contours and if this data is available. Mr. Gifford noted no, and explained that the topography that they used for the studies he did on the three houses was a combination of the topography of the site itself, and RIGIS information. Mr. Pagliarini noted that if the Board saw fit to grant approval, he doesn't believe that his client would have any objection to having Mr. Gifford specifically revisit that area for Final approval. He noted it might be a simple matter of instead of planting a 7-foot tree there, maybe a 10-foot tree does it. He noted he would leave it up to Mr. Gifford to take a look at and noted that he doesn't believe his client would have an objection to doing that for that one specific property, because that one appears to be right at the edge of the proposed screening line. Mr. Ward asked Mr. Duchesneau for his address again. Mr. Duchesneau noted it was 167 Kimberly Dive and noted that the concern is being up at a higher elevation, looking at the angle, it is easy to see. He asked if that is in the area where they don't intend to change the forested area. Mr. O'Loughlin suggested that Mr. Gifford show on the map where Mr. Duchesneau's line of sight would be. Mr. Gifford pointed out lot 13 and lot 14 on the plan. Mr. Duchesneau pointed out the various areas where he can see and noted he can see on both sides of this house and noted that it sits considerably lower from his second floor. As he pointed to the map, he asked if this was the area where they said they would not change the trees. Mr. Gifford noted that was correct. Mr. Duchesneau noted that when the leaves fall, this is really exposed. Mr. Pagliarini asked Mr. Duchesneau if he could ask him a question to help Mr. Gifford and noted this is not flippant. He asked Mr. Duchesneau when he looks out at the field if he is in the house, and what window is he looking through. Mr. Duchesneau noted it is any of the windows that face that way, and if he is up on the second floor he can see even more. Mr. Duchesneau noted that right now, with the trees the way they are, if they took a site visit, you guys would look and say, "Oh, I don't really see nothing, great." He noted that when the leaves fall, and you have the whole width to go through, there are nice sunsets there. He noted that all he is saying is that it is great to put evergreens because they don't drop their leaves, but if you are not touching over here and he can see this way, basically if he is looking across there, he is looking at this whole portion as he indicated to on the map. Mr. Gifford pointed out Mr. Duchesneau's house and noted he would either be looking this way off into the woods or this way as he pointed to on the map. Mr. Duchesneau continued to point out where he would be facing on the map and what he would see when the leaves drop. He noted that he would see this whole section of these panels which, as he pointed to it on the map, he stated he is going to find offensive. Vice Chairman Ward asked Mr. Duchesneau if he was at the Special Use Permit

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hearing. Mr. Duchesneau noted that this is the first certified mail he had, and that it is the only mailing he got. Mr. Pagliarini noted the difference might have been the 200 foot radius versus the 500 foot radius. The Board agreed. Mr. Pagliarini noted that he has no problem sending Mr. Gifford out and seeing what they can do and proposing it back for Final as an amendment to the plan, if necessary. He noted that Mr. Gifford might find that he can't do anything, or he might come back with an easy fix. Mr. Ward stated alright.

Tom Rotella, 175 Kimberly Drive, noted they are right next to Mr. Duchesneau and that their house is even higher. He noted that in the summer they don't see much because there are a lot of woods and trees there, but in the winter when everything is off the trees, they can see across that way also and that they have the same concern about the view. Mr. Ward asked Mr. Pagliarini to have 175 addressed as well.

Mr. Rotella asked about safety and hazardous substances and if there are any hazardous substances on the property. Mr. Ward clarified that the Board is restricted essentially to the application before the Board, not to the current operations of the tree farm. He noted that hazardous substances has already been addressed by the applicant's expert witnesses. Mrs. Rotella noted that they didn't know anything about it and explained that they just got the letter too, and asked if they can have an answer to the question. Mr. Pagliarini explained that he asked Mr. Deobler if there were any hazardous materials on site and that Mr. Deobler answered that these are not hazardous solar panels, and that he also testified that the oil that is within the transformers is vegetable oil which is good stuff. Mr. Rotella noted that in hospitals they have material safety data sheets so that everyone that is involved in an area knows what chemicals or what hazardous substances are involved and asked if there were any MSDS sheets on these. Mr. Deobler noted that there is one for the oil, and noted that it is the only substance on site that requires one, and further explained that it is only because it has a very high flash point and it can be flammable. Mr. Rotella noted that that is one of his other questions about fire hazards from either the foliage that was brought up by the Board, and also of the panels themselves, if they overheat and spontaneously combust. Mr. Deobler responded no, and explained that the panels are warm to the touch, but are not hot enough to ignite anything. Mr. Rotella noted that all of us are on wells and asked if there is any chance that this could affect our wells or get into the groundwater. He asked if there is nothing there except the vegetable oil. Mr. Deobler noted correct, and explained that the vegetable oil is contained within the transformer and then underneath there they build a concrete pit, that if it broke, it would go into there. Mr. Rotella understood that this was a moat.

Mr. Rotella asked if there is any noise pollution from these and if the panels make noise when they are generating electricity. Mr. Deobler stated no.

Susan Rotella, 175 Kimberly Drive, asked if there is no noise at all from any of this facility and if they are not going to hear anything at all. Mr. Deobler noted they are not going to hear anything.

Mr. Rotella noted that, of course, when they are doing the crushing they are going to have some noise for a month or so. Mr. Deobler noted that was during construction.

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Mrs. Rotella noted that she objects to the noise of the crusher, or any type of noise. She noted that one of the reasons they moved to the country and to this area is because it is very quiet and that they don't want noise in the neighborhood.

Mr. Rotella asked if the crusher makes a lot of noise. Mr. Pagliarini noted it is a stone crusher, and that it will be located as far away as possible from the homes. He noted that Mr. Deobler said it is more than likely a 30 day duration. Mr. Pagliarini explained to Mr. Rotella to understand that when his home was built that it made a lot of noise to the people next door during its construction. He noted that the house didn't just arrive without drilling and banging and nail guns and backhoes and everything else. He noted that it is a temporary issue and that this applicant will meet the Town performance standards for decibel levels, and if for whatever reason it is too loud, the police department is in charge of that—if it is excessively loud or goes beyond the permitted hours. He noted that he believes the permitted hours are 7 a.m. to 7 p.m., and that the Chair asked for 8 a.m. to 5 p.m. .

Mr. Ward asked if there were any other questions.

Mr. O'Loughlin asked regarding the noise issue, if for any reason, the inverters or the transformers created a hum louder than what was deemed necessary for Town ordinances, some sort of sound barriers would be taken into account. Mr. Pagliarini responded that Mr. Deobler just answered the question that they make no noise. Mr. O'Loughlin responded that he understands that they make no noise, but that they are going to hum a little bit, just like a pad mount in front of your house, and it shouldn't be anything that is going to be heard 1,000 feet away, but if for *some reason* the equipment makes noise that is louder than what is anticipated, or being stated, that there would be some noise mitigation, whether it be a wall around it to block it. Mr. Pagliarini noted it would be a reasonable request that can be revisited *if* that happens. He noted that he believes, based on his experience, that Mr. Gifford's additional screening is going to help mitigate it right away. Mr. O'Loughlin noted he is not disagreeing with that, but he is just saying that in the future, once three months down the road and National Grid closes their switch, or Mr. Deobler closes his switch, and it is not producing power, for some reason, the inverters are louder than the typical hum they might create because of the electricity, or the transformers, that we'll revisit that if that becomes an issue. Mr. Pagliarini noted that is fine, and that the applicant plans on being here for 25 years and plans on being a good neighbor, and if that type of issue arises, there are things they can do. Mr. O'Loughlin noted that there are things we can do, we can put sound walls around the transformers to reflect that back, to get at the property level what needs to be done for noise mitigation. Mr. Pagliarini noted that it is if there is a genuine problem and not a perceived problem.

Mr. Bryan asked Mr. Pagliarini to talk about what happens to the solar panels at the end of the term of the agreement. Mr. Pagliarini explained that the applicant and the Leyden's will have an agreement amongst themselves to ensure that the panels are removed. Mr. Ward asked if they have a chance to renegotiate after 25 years. Mr. Deobler stated yes. Mr. Ward noted, just to get that on the record, that it doesn't required full pull out if they want to renegotiate with the land owner at that time.

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Vice Chairman Ward asked if there were any other questions.

Christine Speciale, 150 Kimberly Drive, stated regarding the noise, that it is being downplayed and that it is going to be louder than loud. She noted that it is a stone crusher, and that their houses abut that. She stated that not only will they be hearing the noise, they will be feeling the shaking and vibration of that. She stated that to say it is only going to be a month is not accurate, because we know any project can go beyond—building a house can say you are going to do it in a month and it takes three months, four months. She noted that her concerns are that she feels like she is being talked to as though we are stupid, and that we should just be quiet, and take whatever people are telling us. She noted that she and some of the neighbors went out to visit the site in Dartmouth, to see what other people had as an opinion. She noted that it was over three months for that project, and that it was loud. She expressed concern that nothing was ever discussed here regarding dust, and that she has small children and pets, and that she doesn't want her children breathing that. She asked what they doing for that, and noted that it was said that there is no water on the site. She asked if they are not going to keep that area watered down so that they aren't breathing that, their children aren't breathing that, their dogs and pets aren't breathing that, and so the horse that abuts that property isn't breathing that. She noted she is getting a bit frustrated because she is very happy that someone wants to do something with their property and that he is going to get a value from it, but they are taking value away from her property. She noted that she doesn't think that that is fair, that it is affecting 20 houses that are going to lose value, 20 houses that might be damaged from wells, and that her children might breathe that in and be sick, for one person's benefit, or for the Town's benefit. She noted that doesn't make her happy.

Mr. Ward noted that with respect to the dust, as a person who works in construction quite a bit and sees a lot of construction activity, that he doesn't see dust being a problem here with them working primarily down in the bottom of that hole and the distance that that dust has to travel to her house. Mrs. Speciale noted that they spoke to people that were across the street from the project in Dartmouth and that there was tremendous dust. Mr. Ward asked if they were at the same elevation that these were and if it was a 30 foot drop down to where they were working. She stated no, but that dust rises. Mr. Ward noted it only rises up so high, but that he doesn't think that dust is really going to be an issue for her, but that they certainly can implement in the decision, if it is granted, that dust control procedures be implemented, and asked the applicant if they would be happy to implement dust control procedures. Mr. Deobler noted yes, and Mr. Pagliarini noted yes. Mr. Pagliarini noted that he appreciates the comments that were just made, and explained that what he doesn't believe is understood, is that the Town has a Zoning Officer and a Police Department, and that the applicant has to use Best Management Practices. He noted that the Town is not going to tolerate anything that doesn't meet their regulations. He noted that the introduction of the crusher is going to put them under the performance standards of the Zoning Ordinance which include dust, noise, hours of operation, et cetera. He noted that based on what he is hearing, he will ask his client to sit down with the owner and possibly move it a little closer to the pond, so that it is further away. He noted that what also needs to be understood is that they would be talking about hundreds of trucks to haul material out, and hundreds of trucks to haul material in. He noted that there is a noise and a dust factor associated with those on the gravel road, and the ding, ding, ding of reverse and everything else. He noted that there is a balance here, and that he just wants to put that out there.

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Mr. Deobler clarified that the duration of one month was for the stone crusher. He noted that the project will take longer than that, but the crushing of the stone is estimated at a month. He noted that they bring out what is called a water truck that sprays the ground and keeps the dust in check. He noted that they went through a very dry period in Dartmouth and that dust became a problem, and the next day they had a water truck out there and it never happened again. He noted that yes, they did have a dust problem, but that they took care of it. He noted it would be in the same way that would happen here, if there was a problem, the Town would come to them and say fix it.

Mr. Ward asked Mrs. Speciale if she had anything more to add. Mrs. Speciale asked about the crusher and the trucks that are being stored there, and how they are going to make sure that they are not leaking into the ground. She asked what steps are being taken to make sure that that's not leaking something into the ground while it's sitting there.

Mr. Deobler noted that in order to operate, that they have to operate it in accordance with codes which they will follow to make sure something like that did not happen.

Mrs. Speciale asked what steps they would take and if it would leak first and then they do it, or if there is anything that is put underneath it to ensure that there is nothing that is leaking into the ground because they all are on wells.

Mr. Pagliarini noted that what she is asking for, the ordinances say Best Management Practices, so whatever the industry standard is on that. But, he noted that there is also no control that anybody in this room, cars leaking oil in their driveways and it's contaminating your wells. He noted it is a great question, and that the Board understands, but nobody is going to leak intentionally into the ground. Mrs. Speciale noted that she understands, but asked if it is placed on anything to ensure safety. Mr. Pagliarini noted it is a crusher, so he doesn't think short of a concrete thing that is going to reverberate additional noise, it is on the gravel.

Mrs. Speciale asked what happens if they hit ledge, is there any blasting and will they be notified prior to any blasting.

Mr. Deobler noted that they don't anticipate any blasting, but if there is blasting, that it has to be done through State law and that they could contact the Fire Department as well. He noted that they just can't go out and start blasting. Mrs. Speciale noted that her question is if they get notified.

Mr. Ward noted that he is not familiar with the State law, but that he knows typically that notification is given to abutters whenever there is any blasting. Mrs. Speciale stated that it was not in Dartmouth. Mr. Deobler noted that notification was given in Dartmouth, that it was done quite in advance, with the Fire Marshall, and that people were notified, but people still didn't like it. He noted that it happened one day.

Mr. Ward called the next person and asked for her name.

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Karen McElroy, 76 Kimberly Drive, asked if the pulverizing and crushing of the stone or blasting will have any impact on their well systems or disturbing or damaging their wells, or any other kind of structure on each of their properties, but in particular their wells. She noted that some of them don't have the best of well systems, and what they do have they are trying to hold on to desperately. She noted they get two gallons a minute, one, two, two and a half gallons a minute. She asked if any of this crushing is going to disturb the well system that is underneath the ground. She asked if once this project is all done, not to take offense to this because she is just wondering, but is there anybody that is going to be babysitting this solar system, if something happens over there, or a deer gets caught or if a fire happens, so that that problem doesn't spill into the other properties next door. She asked if somebody is going to be watching that, or if it is their responsibility to make sure if they see some flames over there that they have to call the fire department. Mr. Pagliarini noted he would hope they would.

Mr. Pagliarini explained that Mr. Deobler testified that it is going to be monitored 24/7, and they will be able to detect. He noted that they have a central monitoring station in New York and everything is electronic. He noted the question was asked whether or not they had the relays and to make sure it is being watched by somebody. He noted that in addition, once a week, somebody is going to drive out there and do a fence check and make sure, because the system basically does not need babysitting. He noted that years ago, the Town identified that the greatest threat to this Town was not a hurricane, but it was wildfire. He noted that the interesting side note is that they are actually helping the situation, because when a tree falls in the woods, it lies there and doubles the fire load when a new tree grows up. He noted that they are actually clearing the site, it is going to have a gravel driveway around it creating a fire break, it gives an urban interface for the fire department to traverse the site, that doesn't currently exist there. He noted that while it is perceived that they are introducing a threat, that the other side of the issue is that they are alleviating a threat that is actually a greater threat than the natural condition that it is in.

Mrs. Speciale noted that there is a lot of electricity going through there. Mr. Pagliarini noted that it is underground, and that it goes from the transformers underground, so it is not as though a pole is going to fall. He noted that it is a very low risk and that Mr. Deobler has testified that those panels don't really burn. He noted that the Fire Chief at the Technical Review Committee had several questions, and they were all answered to his satisfaction. Mr. Pagliarini noted that if the Hianloland Fire Chief is comfortable, then we should all be comfortable, because he knows more than we do, and he asked the questions, they were answered, and he accepted the answers.

Mrs. Speciale asked if the pulverizing and crushing will cause any disturbance to their wells, and if it does, if they do find a difference in their well supply, who can they turn to. Mr. Pagliarini noted that he will propose to his client, after this meeting, that it be put as far away as possible, because they don't want any issues with the neighbors.

Mr. Bryan noted that, like the Vice Chairman, he also works in construction. He clarified that the pulverizing operation is a piece of equipment above the ground and that it doesn't affect anything below the ground. He noted that it is taking rocks and boulders, putting them in a piece of equipment, it bangs them and chops them and breaks them up, and they fall out the

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bottom. Mrs. Speciale asked if there is no vibration. Mr. Bryan stated that there is vibration but if you walk around it, it is not shaking you and knocking you off the ground.

Mr. Cacciatore noted that this was the first he was notified by Certified letter about what was going on at that project. Mr. Ward explained it could do with the difference between the 500 foot and the 200 foot.

Mr. Cacciatore noted that to him, it seems like more of the residents should be more curious about their property values than the Board supporting this project. He asked what benefit is this project bringing in to the Town. He noted that they are all paying a lot of money in taxes for a rural environment, and asked where the tax structure is on this project and what is the value that it is bringing into the Town.

Mr. Pagliarini noted that he can't accurately answer that question at this time, and that he would want a conversation with Ms. Randall, the Assessor, on whether or not the tax gets paid directly to the Town, if it is going to be real estate, or if it is going to be tangible, or if goes to a utility telephone tax, where public utilities pay it and then the State apportions it back based on how much is in that community, so West Greenwich's share would increase by that. He noted that on the other side of the coin, it is a renewable energy project, and questioned if it going to be taxable. He noted that he doesn't know the answer 100 percent right now.

Assistant Town Solicitor Letendre noted that she understands the question that he is looking to see what kind of public benefit this will bring. She noted that the issue with regard to taxation of this, whether it be tangible or real property, is really not within the purview of this Board. She noted that there are a lot of State regulations that regulate utilities differently than anything else. She noted that the only known financial benefit is going to be to Mr. Leyden, to offset the cost of his farm, and whether that will translate into anything for the Town, we don't know, and it is really not relevant to the discussion over the land use. She noted that secondly, there is nothing that requires that there be any kind of public benefit to any kind of development that occurs in the Town, or anywhere else. She reiterated that there is no requirement. She noted that it is a matter of that Mr. Leyden has a piece of property, and he has the opportunity, based on the regulations, to make use of that property, consistent with those regulations. She noted that as was stated earlier, a solar array is consistent with those regulations. Mr. Cacciatore stated ok.

Mr. Cacciatore asked how about the depreciation of our homes. He noted that all of a sudden they are going to go and sell their homes, and someone is going to come in and say, "well, I don't want to live in a back yard with a solar panel up here." Mrs. Letendre noted that what Mr. Pagliarini said earlier is that there is nothing that we can tell you that will say one way or the other that there is going to be an effect on property values. She noted that in general, this type of use, the agriculture uses or the solar array use, in the location that it is in, and the lengths to which they are going to ensure that there is no perceived impact, either environmental or aesthetic impact to the homes, is all that we can do at the Planning Board level to not affect the property values. She noted that it is perception, and that he might not buy that house knowing that there is a solar array next door, but someone else might buy a property irrespective of whether there is a solar array. She noted that you can't really quantify that. Mr. Cacciatore asked if what she is saying is that he has no protection on his property from the Town. Vice

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Chairman Ward noted that he does have protection and explained that the Board has gone through great lengths to require screening, to mandate screening, to dedicate a buffer area at the property lines, and they have gone out there and done a site visit, and noticed and verified the contour lines exist as they are per plan, and that they have done a great deal to try to protect his rights and to screen his view from this thing. He noted that the Board has entertained, and is going to address the two people who spoke up about their elevation differences. He noted that the Board and the members here have done their due diligence to try in every effort to protect his interest.

Mr. Cacciatore asked what is to stop this project from getting expanded five years down the road, with all the rest of that land, and asked if there is a cap on it. Mr. Ward noted that they would have to go through the same procedure and that the Board can't put a cap on it, because it is, underneath Zoning, a Special Use Permit grants a right for them to expand. Mrs. Letendre clarified that if they were going to expand it at any point in time, they would have to return both to the Planning Board and the Zoning Board for the same thing. Mr. Cacciatore stated that that is not true. Mrs. Letendre noted that yes it is. Mr. Cacciatore stated that it is not, and if you look at some of the projects in the State of Rhode Island, they get their foot in the door, and before you know it, it just expands it. Vice Chairman Ward noted that if they expand it they will be shut down.

Mr. O'Loughlin noted that there is another issue, too, besides just what they've done here. He explained that if they want to expand that, they have to go back to National Grid, and do an application with National Grid to expand the system. Mr. Cacciatore noted that he understood that. Mr. O'Loughlin noted that they can't just arbitrarily say we have another ten acres here, so we are going to push it out and throw another seventeen hundred panels in here and make it a 4 megawatt system. He noted that they would have to go back, and petition with National Grid to do another interconnect. Mr. Cacciatore asked Mr. O'Loughlin if he really thought National Grid cares about the residents on Kimberly Drive. Mr. O'Loughlin answered that what he is saying is that Mr. Cacciatore's question was, 'what is going to stop them from going forward,' and that those are two of the things. He reiterated that one, just by the Town, they can't just put another ten acres of solar panels in there, and if they did they'd have to come back, and obviously if they are making it bigger, there would be more issues with sight lines and everything else at that point. He explained that, no, National Grid doesn't look at it as to the property values or anything else, that they look at it for their system. He reiterated that what he is saying is that there are two issues that they would have to do, and they would also have to go back and get approval from the local utility. He noted that he didn't want Mr. Cacciatore to think that just because now they have connected that they can make that as big as they want. He noted that they can't do that out there.

Mr. Duchesneau, 167 Kimberly Drive, noted that he just wanted to say that he appreciates that they are going to take a look at that and have a guy come out and everything, but that he understands it requires a Special Use Permit, and if it can't be either shielded, or reconfigured, or cut back, because he has been there for so long and it is going to be his view, that he going to be against it, and wants to go on the record that he is against giving a Special Use Permit. Vice Chairman Ward noted that the Special Use Permit has already been granted, and noted that was by the Zoning Board. He noted that he stated earlier that we are here for Master and Preliminary,

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which is a different scenario than the Special Use Permit. He explained that the Board is doing everything they can to protect his views and look out for the interest of the neighbors and make sure that what they are putting in is safe for the environment, among other parameters too.

Mr. Duchesneau asked if it is within the Board's authority that if it does impact his property and his views, to cut that back, either to provide screening somehow or reduce the size of the field on that northern portion. Mr. Ward questioned the legal parameters and deferred to the Solicitor and noted that because the Special Use Permit has already been granted, he doesn't see how the Planning Board could supersede the Zoning Board's approval process. Mr. Ward asked Mrs. Letendre if the Board is able to mandate that.

Mrs. Letendre explained that all Planning and Zoning approvals have an enforcement process, and if there is a condition of approval that is not met, then administrative staff and legal staff can bring action in court, starting with a Notice of Violation. She noted that usually with a Notice of Violation the differences can be worked out. She reiterated that there is a process of checking in on this later in down the road to make sure that any conditions are met.

Mr. Bryan clarified the question that he thought the gentlemen was asking, and asked Mrs. Letendre if it is within the purview of the Planning Board to put a condition on an approval that would require either additional screening, or a reduction in the planned area of development to address concerns that are being raised regarding the sight lines. Mrs. Letendre noted that they could, but that there would have to be justification for doing that. She noted that there would have to be some measure by which they determine that is necessary.

Mr. Pagliarini added that the Special Use Permit has been granted for the area, and the stipulation put on it by the Zoning Board said that it should not be visible from 'neighboring properties.' He noted that they feel they met that. He noted that this is new information, and the question is if Mr. Duchesneau is a 'neighboring property.' He noted that they have already said that they would have Mr. Gifford look at those two properties. There was discussion. Mr. Duchesneau noted he would like some timeline for when Mr. Gifford is going to come by so that he will have the input he needs. Arrangements were made for Mr. Gifford to meet with the Duchesneau property and the Rotella property within the next 7 days.

Gary Speciale, 150 Kimberly Drive, noted that he was at the Zoning Board meeting and noted that part of the stipulation on the motion that was approved was that the panel arrays and equipment cannot be visible from neighboring properties. He noted that obviously the definition of 'neighboring properties' needs to be clear. Mr. Speciale noted that there are also standard conditions for granting that permit that also need to be met, and he noted that it a.) will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property, b.) will be environmentally compatible with neighboring properties and protection of property values. He noted that he knows what they have said and that they have stated that they have gone to the surrounding areas in terms of trying to protect values, but that he would like to submit a Google map of Dartmouth during the construction phase. Mr. Speciale submitted a Google map to the Board and noted that you can see from a Google map, that when somebody comes to look at any of their properties when they are looking to purchase, if they are going to sell, that this is what they are going to see next to their houses.

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He noted that he is not sure how they are going to be able to protect from that, other than to put a canopy over it. He noted that he wanted this clear because that is not fully protecting everything. He noted that in today's environment, people are looking at Google maps and doing a whole bunch of things on the internet to find where they are going to live, just as he did when he moved here 7 years ago. Mr. Ward asked Mr. Speciale if his contention is that because he has an aerial view of the layout that that is going to adversely affect him. Mr. Speciale indicated that it would adversely affect him. Mr. Ward noted that he doesn't believe that the Board has any of those provisions in their guidance. Mr. Speciale stated that that is his point, because all of the provisions were made prior to the internet being used in this type of fashion. Mrs. Letendre noted that the provisions that Mr. Speciale just read are the findings and conclusions that the Zoning Board reached when they made the approval, and that they are not conditions of approval. Mr. Speciale noted that part of the approval is, and that it says, the standard conditions for granting of a Special Use Permit as set forth had been met. He noted that there is still the first one, that the panel arrays and equipment cannot be visible from neighboring properties, which Mr. Speciale indicated includes Mr. Duchesneau's property as well. Mr. Duchesneau indicated that he was not a neighbor.

Mr. Speciale noted that the grinding of the stone may not be a problem in terms of shaking of the houses because it is going to be above ground, but noted that they do have pile driving that is going to be occurring on hundreds of I-beams that are going to be going into the ground. He noted that that can certainly impact all of their wells for three months, and beyond. He asked that the Board think about that, and what can be done about that prior to any type of installation on that.

Mr. Speciale noted that he did ask the Board and the members last time they met if they would do a site visit to Dartmouth, and he didn't know if they did, but he believes that the Town Planner did, and he read that on the Town website and appreciates that, and all the diligence that the Town Planner did, and thanked them for that.

Regarding the water, Mr. Speciale noted that he requests, as he did at the Zoning Board meeting, that the pond not be used to wash the rocks, or a well be drilled for the rocks, because their concern is that it is their wells that have been running dry. He noted that it has been dry and levels are down, and that he requests that if they are going to do that kind of stuff, that they bring in trucks and their own water to take care of that.

Regarding the transmission lines that were shown in the diagram, Mr. Speciale noted that it was his understanding that the transformers and transmission lines were going to be on the west side of the property, and it seems that they have changed now to the east side, but maybe he has misunderstood. He noted that he would appreciate, if this was approved, that they be on the west side of the property, not the east side going against all the houses. Mr. Pagliarini noted that they are underground and that he believes they are in the area that requires the least amount of disturbance because it is existing flat gravel rather than going through the undulating side. Mr. Deobler noted that the inverters are on the west side. Mr. Speciale noted that the inverters are on the west side and asked if it is coming from the other side all the way across and then over. He suggested that they have a road right there going all the way on the west side right by the pond and around it. Mr. Pagliarini noted that that road has over 10 percent grade elevation changes,

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versus the flat gravel road that is proposed. Mr. Speciale noted that again, it is a transmission line that is going to be behind people's houses. Mr. Pagliarini noted that it is underground. Mr. Deobler noted that it is underground and it is well away from their houses. Mr. Deobler asked what is the point if they move it over 50 feet there is no difference. Mr. Speciale noted it is not 50 feet, and that he was saying the west side, which is much more than 50 feet moving over. Mr. Ward noted that it would be better at the toe of the slope, and they'd never see it or hear it or anything else, and that the elevation of the slope would actually be in their favor to have it more at the toe of the slope than pushing it out to the west side, but if they really want it on the west side... Mr. O'Loughlin interjected and asked Mr. Speciale what is the concern with putting it where it is shown right now. Mr. Speciale stated that his concern is basically the electrical field that is going to be basically against all those houses going over there. Mr. O'Loughlin explained to Mr. Speciale that it is no different than the power line that is running in his front yard. Mr. Speciale noted that he understands that but that he is just expressing his concern. Mr. O'Loughlin noted that he understands, but that a lot of things that have been said here is 'transmission line,' which makes it seem like it is high voltage. Mr. Speciale stated that he is using their terms. Mr. O'Loughlin noted that he understands, and explained that there is no difference in voltage level from what the underground wires that are on Kimberly, to where they go up and rise up on West Log Bridge right up in front of his own house. He reiterated that there is no voltage level difference, and that they are the same wires that are in Mr. Speciale's front yard, just like the transformers that are in his yard, or between whoever's houses. He noted he is just trying to calm that concern, that it is not 115,000 volts that is running through that property, it is the same voltage level that is running up Plain Meeting House, goes underground, runs on Kimberly, and then rises back up and goes to down West Log Bridge. He noted that it is a 15 kV line. Mr. Speciale noted that he still requests that it go on the other side.

Mr. Speciale expressed concern that even with the switches off, that it is his understanding that these panels still continue to generate electricity while the sun is hitting them, and it is a DC current. He noted he is not an electrical engineer and that he is just asking. He noted that he doesn't understand when that switch shuts off, what happens to the electricity that is being generated on a constant basis, and if it could overflow. Mr. Deobler noted that it won't overflow. He explained that whenever there is sunlight, the panels generate power, and basically if it has nowhere to go, it doesn't go anywhere. He explained that what shuts off automatically when it goes into the grid are the inverters, which changes it from DC to AC. He noted that yes, anytime there is sunlight out, those panels will be alive.

Mr. Speciale asked about the design of the shrubbery and noted that they talked about lots 13 and 14 being able to see the panels, he believed, for the first 3 to 4 years. He noted he believed that was stated, that if they were to clear their land all the way back, that they would still be able to still see the panels for the next 3 to 4 years. Mr. Pagliarini noted that he believed that Mr. Gifford's testimony was that nobody would be able to see it, and the comment was made with regards to Mr. Duchesneau. Mr. Speciale stated no, it wasn't. Mr. Pagliarini called Mr. Gifford to the Board. Mr. Gifford noted that the discussion regarding visual access to the panels is from the second story of these homes. He noted that Mr. Speciale's comment is correct, that if those land owners want to see the panels, they can cut down all the vegetation on their properties. Mr. Speciale wanted to say to the Board, that if he cut down all the trees on his property he is going to be able to see this, and so part of the stipulations from the Zoning was that, he is a neighbor

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and he will define himself as a neighbor because he does abut that property, and so if he cuts down his trees, he is going to be able to see that for the next 3 to 4 years. Mr. Pagliarini asked Mr. Speciale if the trees are there today, as of the date of submission. Mr. Speciale asked, "Are my trees there?" Mr. Pagliarini said yes. Mr. Speciale answered, "Sure." Mrs. Letendre explained that that is what matters. Someone in the audience asked why does that matter. Mr. Letendre noted it is because it is under the current conditions, what the visibility is, what the views are. Mr. Speciale asked, "So, if I go cut down my trees tomorrow..." Mr. Pagliarini noted that then he has created the nuisance. Mr. Speciale questioned that he has created the nuisance.

Susan Rotella, 175 Kimberly Drive, noted that what she is hearing from the Board is that if there are any problems, they will try and fix them, and she noted that is not much comfort to herself or her neighbors. She noted she has a question about the noise, and noted that the gentleman sitting up there before from New York said that there was no noise level involved, but that the gentleman sitting at the end of the table said that the transformers make noise, and asked which one is it. Mr. O'Loughlin stated that it is not going to be, probably, any louder than the transformer that is in your front yard. Mrs. Rotella stated that he didn't hear what she said, and that what she said was that this gentleman said there's no noise at all. Mr. Deobler said that you will not hear it from where you live. Mrs. Rotella said that now you are telling her that there is noise, but she won't hear it, and if she does hear it, that they will put something up to make her not hear it again. Mrs. Rotella noted that she has tinnitus, which means that her ears ring all the time. She noted that her ears are very sensitive and that she hears minute noises sometimes and it really bothers her, and that she spends a lot of time outdoors, and she is in the cul-de-sac there. She noted that she is going to go outside from her house and hear that noise as a constant drone and that it is going to cause a health problem for her. She noted that that is a very serious concern for her. Mr. O'Loughlin noted that is why he said if, once these go in, because he does know that they will make a little bit of noise, and noted that the transformers are going to hum like any transformer in your yard or anything else. He noted that that is why he stated that if there is an issue once this system goes on line, that measures will be taken at that point to mitigate the noise. Mr. Ward asked Mrs. Rotella if the transformers for the underground utilities on Kimberly bother her hearing. Mrs. Rotella answered, "When I get near them, yes they do." Mr. Ward noted when she gets near them, and asked her if they are the ones in her yard. She noted yes. Mr. Berry asked how close she gets to it. Mr. Rotella noted it is in the cul-de-sac, probably in the easement between the Duchesneau's and his property. Mr. Ward noted it is when she walks up near it, and he noted that she is going to be 1,000 feet away from these and there is going to be a 30 foot elevation between it. Mrs. Rotella noted that that is one box in her front yard, and that this is going to be 41... panels or.... Mr. O'Loughlin noted that the panels don't make noise. He noted what would *potentially* make noise are potentially the inverters and the transformers. Mrs. Rotella asked how many of them are there. Mr. O'Loughlin noted he believes there are two inverters and one transformer. Mr. Deobler responded that there are 4 inverters and 2 transformers. Mr. Rotella asked if they are all down at the end. Mr. Deobler noted that they are all on the west side, and went up to point them out on the plan.

Mr. Rotella asked what the estimated start date and finish date are on this, and asked for a ball park if they are going to start this year or wait until next spring. Mr. Pagliarini noted it could be done by the first of the year or during the month of January.

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Mr. Deobler pointed out the two inverters on the plan. Mrs. Rotella noted that they were on the other side. Mr. Deobler pointed out the homes, and noted that the transformers are on the same concrete pad as the inverters. Mr. Pagliarini noted they were sited as far away as possible on this project from the residences.

Mrs. Rotella noted she would like to make a comment that she would challenge any of the Planning Board members that live in West Greenwich to ask themselves the question, would you want this thing in your back yard. Mr. O'Loughlin noted that it is pretty much in his back yard because he lives on West Log Bridge.

Someone in the audience interrupted questioning if they don't get a say in that, if they don't get to vote on this, and they are the ones decreasing their values on their houses and it is not right. Vice Chairman Ward interjected and announced that it is getting out of hand and noted he will do one final question.

Mr. Speciale asked Mrs. Letendre that she mentioned that this is not the appropriate Board to discuss property values or anything like that. He asked what Board is the appropriate Board for them to express that and find out and who do they go to for that. Mrs. Letendre replied that their only recourse is to get their own real estate person to look into the matter for you. Mr. Speciale asked to present that to whom. Mrs. Letendre noted that the Zoning Board had to make a finding that it wasn't going to affect property values and that evidently they did. Mr. Speciale asked her to explain what the process is from here, if it is approved here and what the next steps are. Mrs. Letendre explained that this could be approved this evening, and noted this is a Preliminary and Master Plan approval, and that the decision of this Board is appealable to the Zoning Board in the first instance, and then from there to the Superior Court. She explained that the Zoning Board's opinion and decision that was rendered is also appealable to the Superior Court and that they have 20 days from the posting of that decision to file that appeal to the Superior Court. Mr. Speciale noted it is too late for that. Mrs. Letendre noted that this is going to be a final decision as well that could be appealed. Mr. Speciale asked if this has to go to the Town at all. Mrs. Letendre noted no, this is it.

A woman in the audience asked if this could happen again on somebody else's residential property. Mr. Pagliarini explained that if they wanted to stop that, their recourse is with the Town Council to change the Zoning Matrix so that it is no longer a Special Use Permit, so it is prohibited. Mrs. Letendre clarified that that is right, but that this project, having been before the Board, and already approved, is grandfathered. Mr. Speciale noted that he understood. A woman in the audience stated that she doesn't know why it was never presented to them as residents of the Town and asked if they have changed it. Mrs. Letendre noted it is a land use issue. Mr. Pagliarini noted that they have not changed it and explained that if you look at this site, it could be a gravel bank. He explained that it is permissible under the RFR-2 zoning by a Special Use Permit, as this was. The woman stressed that it is by a Special Use Permit. Mr. Pagliarini explained that a Special Use Permit is permitted by right with conditions, so it is already one step above not being permitted. He explained that when a buyer purchases a property, that not too many people look at the Zoning Ordinance and ask what could be done to the vacant lot next to me. The woman stated that she called him and asked to see what was going to be done with his property beforehand. Mr. Pagliarini asked who she called. She stated

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that she called Mr. Leyden. Mr. Pagliarini noted it is what is permissible under the zoning matrix that is the correct answer. He noted that he taught real estate classes for 12 years and that he would tell realtors to assume there is the worst case scenario on the big lot, and they should know what can be on that site when a buyer asks them.

Mr. Ward noted that it is now 9:15 p.m. and asked if there is anybody that hasn't asked a question that wants to.

Maureen Sherman, 160 Kimberly Drive, noted that she wants to make a comment that her plan was to put a pool in the back yard, and if she puts a pool in her back yard right now, and knock down those trees, that she will affect everybody in front of her, and that she will also be able to see those panels now. She stated that what their comment was to her, is that she owns that now because it was already set forward, and that she finds this disheartening. Mr. Ward asked her for her address again. It was noted that she is lot 13. She noted that Mr. Duchesneau is right in front of her, and that where her deck is, her plan was to take those trees down and put a pool, and now she is going to affect people in front of her and her own, because she will definitely see those panels.

Mr. Pagliarini asked Ms. Paquet if people can clear up to their property line. Ms. Paquet noted yes, unless it was a subdivision where there was a restriction in place for a no-cut buffer. Mr. Pagliarini asked if we know if Kimberly has such a restriction way back when. She noted she would have to look it up. Mr. Berry and Mrs. Letendre noted they don't think there is a no cut buffer there.

Rose Desnoyers, 140 Kimberly Drive, noted that she takes issue with the comment that Mr. Pagliarini just made. She noted that Kimberly Drive, when it was made many years ago—and noted that she has been there 17 years, and that prior to that they had bought their land, and noted that she had been one of the first ones to buy their land and one of the last ones to build—noted that when she moved in there that yes, there were restrictions for a certain size house, and what they could have and what they couldn't have. She noted that it was never maintained by the people who moved in or bought there, and that they were told, that after so many years of not being maintained as an area, that no, there were no restrictions anymore. She noted that people do have things like horses and things like that that they couldn't have before. She noted that when it comes to clearing land or going up to their thing, that it doesn't matter what was in that many years ago. Mr. Pagliarini explained that they are talking about two different things. He explained that she is talking about restrictions and covenants that were put on by a previous grantor. Mr. Ward noted they are deed restrictions. Mr. Pagliarini noted that his question to the Town Planner was did the *Town* put any restrictions for a no cut zone for 50 feet along the property line. Mrs. Desnoyers noted that there was nothing written when they purchased the land.

Mr. Ward noted that there are two separate issues, and explained that if the Town imposes a buffer zone, it is in perpetuity. Mrs. Letendre noted they are still enforceable. Mr. Ward noted that they are forever unless you go back to the Board and have them removed. He noted that his understanding of deed restrictions is that after 30 years they are null and void and they don't exist anymore. Mrs. Desnoyers noted it is before 30 years. Mr. Pagliarini noted that the resident

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is correct, that if the deed covenants are continually violated and waived, that a court of competent jurisdiction could rule that they no longer exist because they are not being enforced. Mr. Ward noted that any buffer zones or no-cut areas or anything put as a condition of approval, just like they are going to put this buffer zone on the Leyden's with their thing, they can't come in and cut them all down. He noted that they have to maintain that because it is the *Town* that has imposed that. He noted that it goes on in perpetuity and it has to be maintained as long as those things are there. He noted that this Board and these members sitting up here have imposed buffer zones on a number of plats. Mrs. Desnoyers noted that lot number 1 and lot number 2, and she believes lot number 3 all had buffer zones in the back because of wetlands, and that none of the other ones have buffer zones and that is why she bought when she bought.

Mr. Ward called for anybody else that has not asked a question that wants to ask a question. No one came forward. Mr. Ward noted that at this time he will entertain a motion to close the public hearing. Berry-Ward. No discussion. All in favor (5-0).

Mr. Ward called for a 10 minute recess to reconvene at 9:30 p.m. There was a recess.

The meeting reconvened at 9:33 p.m. (Mr. Cotta left the meeting during the break)

Vice Chairman Ward recapped the concerns that he heard from the Board:

- hours of operation for the crusher not to start before 8 a.m. and ending at 5 p.m., Monday through Friday, no weekends;
- ensure that any stonewashing operations are incorporated into the Stormwater Management Plan and that the water that is used is trucked in rather than taken from site to adversely affect the abutters, or taken from the standing pond.
- submit a detail or a cut-sheet for the switchgears that are going to be mounted on the pole so that the Board could have that in their documents for a visual conception.
- for the removal of broken panels, to be removed from site within 2 days as specified
- the Board wants to have Mr. Gifford's response regarding 167 and 175 Kimberly Drive;
- regarding the GIS data, have the applicant's engineer discuss the data point and benchmarks with the Town's consulting engineer regarding the discrepancy of which data is being used and the possible deviation;
- submit plan for dust control operations;
- submit plan for buffer as Mr. Gifford stated, and if it needs to be extended to accommodate the other two houses mentioned earlier, the Board would like to see that generated on the Plan and annotated as a no-cut buffer zone;
- make sure the latest revision of the plan is on file;
- implement blasting procedures as to who is going to get notified, and whatever is planned to do for blasting, the Board wants to see the procedures outlined as for how they are going to ensure the health and safety of the neighbors.

Mr. Ward asked the Board if they would like to move forward with a decision tonight, or if they want to reschedule for the next meeting or a special meeting within two weeks.

Mr. Bryan noted that he heard a concern raised about piles, and noted that he would like to have that issue addressed by the consulting engineers, with respect to, are there piles, if so how many,

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the method of insulation, depth of penetration, vibratory cycles, and to have the issue addressed. Mr. O'Loughlin added the method used for infiltration and the percolation rates. Mr. Berry added to include an estimated window of construction for start and finish, and Mr. Bryan added to that with particular attention to operations that may involve noise. Mr. Bryan asked if there was any information available on anticipated dB level, like for the crusher. He noted they probably do have some information on that. Mr. Ward asked if there was anything else. No one said anything.

Vice Chairman Ward polled the Board for how to proceed, whether to render a decision and make it conditional that all these things be satisfied, or to wait until the Board has the data in hand and render a decision at that point in time. Mr. Regan noted that the applicant owes the Board a lot of stuff after listening to the neighbors, and that he would vote to have them do this work, get it to the Board, and that he would be amenable to a special meeting. Mr. Berry noted the same. Mr. O'Loughlin agreed and noted that the Board needs to see the information requested. Mr. Bryan noted it is unanimous. Mr. Ward noted it is unanimous and he agreed. Mrs. Letendre advised the Board to continue the meeting to a date certain.

There was discussion on a possible meeting date.

Arrangements were made between Mr. Gifford and Mr. Duchesneau and Mr. and Mrs. Rotella.

Motion to continue for deliberation and to render a decision to Tuesday, September 25th for a special meeting at 7 p.m. Berry-Regan (5-0). Mr. Pagliarini noted for the audience that the abutters will not receive any additional notice or certified mailings, and that it will be posted by the Town Planner 48 hours in advance.

Request for Bond Reduction

"Carrs Pond Estates" Minor Residential Compound – AP 2, Lots 6 & 12
--off Carrs Pond Road; conditional final approval granted on April 16, 2012
Owner/Applicant: Carrs Pond Associates, LLC (Michaels and Steve Kent and Carmine D'Ellena)

No one was present for this application. Ms. Paquet noted that the plan has not been recorded yet. The Board read the memo from the Town's consulting engineer. Mr. Regan noted that the growing season is right now. There was discussion on having the applicant complete the items and come back in October. The Board decided not to grant the bond reduction until the punchlist items have been completed.

Motion to continue the request for the bond reduction on Carrs Pond Estates until the punchlist is completed. Berry-Regan (5-0).

ADJOURNMENT

Motion to adjourn. O'Loughlin-Regan (5-0) The meeting ended at 9:49 p.m.

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A special meeting of the West Greenwich Planning Board was held on Tuesday, September 25, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, and Tom O'Loughlin (7:10 p.m.). Alternate Bill Bryan was absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

Major Land Development Project: combined Master and Preliminary Plan Public Hearing, cont. *continued from September 17, 2012*

“Plain Lane Power” 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2
--at 179 Plain Meeting House Road; solar power panel field and related structures proposed
Owner: Big John's LLC (Matthew Leyden, et al)
Applicant: West Greenwich Solar, LLC c/o Con Edison, and rTerra

Chairman Boyer noted that Mr. O'Loughlin is on his way, but that he will be a few minutes late.

Chairman Boyer noted for the record that he listened to the 3 hours or so of testimony of the last meeting and noted that he is aware of all the concerns that were brought up, and that he also took part in the TRC meeting and both site visits. He announced that in order to keep things consistent, he will defer to Vice Chairman Ward to run the meeting as he has run the previous two meetings, and handed the chair over to Mr. Ward.

Vice Chairman Ward entertained a motion to re-open the public hearing that is specifically limited to what the Board established as concerns during the deliberations at the last meeting. Boyer-Berry. No discussion. All in favor (4-0).

Vice Chairman Ward stressed to the applicant and to the audience that the only thing they are allowed to talk about are those items that the Board itself felt were discretionary items and needed further discussion. Vice Chairman Ward called Mr. Pagliarini to the Board to present those issues.

Attorney John Pagliarini approached the Board. He noted that the Board asked for additional information at the last meeting, and that it was provided to the Planning Board. He noted that they have their experts here this evening. He noted that Mr. Gifford did meet with the neighbors and his findings were not provided to the Board. Mr. Pagliarini noted his preference would be to wait until the fifth member is here before presenting that. He asked how the Board would like to proceed. Mr. Ward noted it would be good for the audience to put it on record as to what was provided and asked Mr. Pagliarini to read through the material.

Mr. Ward noted that he was offended by the submission, because it sent him in circles looking for any of the data and noted that the very fact of what the Board was looking for on the switchgear was not provided, although all the zip codes for every single part inside it and who manufactured it was. He noted that the actual size of the switch gear was all that was requested, and what it will look like mounted on the pole. Mr. Pagliarini apologized for the

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miscommunication and noted for the record that it was the Vice Chair telling him that, not a quorum of the Board.

Mr. Pagliarini went over the responses, and noted he will read the request from the Board and then give the Board their answer. He read from the memo, "The hours of operation for stone crushing on site should be from 8 a.m. to 5 p.m., Monday through Friday." He read the response and asked if it was satisfactory. Mr. Ward noted that was fine. Mr. Pagliarini continued, and noted the item for stonewashing to be done with water that is trucked into the site, or with water that comes from a standing pond on site. He read the answer for the Board. Mr. Ward noted that was acceptable. Mr. Pagliarini continued with item 3, regarding the cut sheets for the switchgear equipment, and read the answer. He noted that three of these 4 are out of his client's control and are done by National Grid. He noted to answer the Vice Chair's question directly, that the switchgear equipment should be no bigger than a cube, 4 by 4 by 6. He noted that the expectation is it is probably going to be closer to 2 by 3 by 6, but he will say 4 by 4 by 6 on top of a pole. Mr. Ward noted that is fine, as long as it is on the record, and that it would have been easier than providing the dimensions in 25 pages. Mr. Pagliarini addressed the issue of removing broken panels. Mr. Boyer noted this should also be a condition on the plan, and to have it written on the plan, just like the item for the stone washing that they stated would be on the plan. He noted that most of these should be on the plan as conditions, and anything else that gets put on. There was discussion on putting these on the plan, and adding these in the motion. Mr. Boyer noted that unfortunately, from this point on, that no one will see that conditional approval, but they will see it on the plan. Mr. Pagliarini understood.

Mr. Pagliarini addressed item 5, to provide additional information on landscaping for 167 and 175 Kimberly Drive. Mr. Pagliarini called Mr. Gifford up to give the Board his findings.

Mr. Gifford approached the Board. He noted that he is a licensed Landscape Architect, and that his office is located on Mendon Road in Cumberland, Rhode Island.

Mr. O'Loughlin arrived at 7:10 p.m.

Mr. Gifford noted that during the public hearing we heard comments from the neighbors concerned about what this facility would look like, and more accurately, if this facility would impact their views to the west from their homes. Mr. Pagliarini added that the neighbors in question received the 500 foot abutters notice to the Planning Board, and that they previously did not receive the 200 foot notice from the Zoning Board. He noted that the Zoning Board and the Planning Board's advisory opinion were the basis of Mr. Gifford's original findings, and so that Mr. Gifford did go out and meet with these, raised on the comments of the Board of last week's hearing. Mr. Ward noted that his point is taken.

Mr. Pagliarini noted that Mr. Gifford went to Mr. Duchesneau's house at 167 and the Rotella's house at 175. Mr. Gifford noted that this was Tuesday night after last week's hearing. He noted that both individuals were kind enough to invite him into their homes so that he could look out the specific windows at both levels of their homes to give him a good idea of what their concerns would be. He noted that, of course, what they are seeing this time of year is their view during full leaf coverage, and noted that on Tuesday night they really couldn't see the houses across the

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street, let alone the site. He noted that both of these individuals, Mr. Rotella and Mr. Duchesneau, expressed their concern towards what would happen after leaf drop. He noted that what they did was discuss this further and that he wanted to note that he did stress to both of them that these structures are only 10 feet tall, and that sometimes when you see these things in plan view, that they can look much more imposing than they would in the distance just above the horizon. He noted that what Mr. Rotella suggested was that perhaps the applicant could plant two to three trees on his property that he could place in locations at his discretion. He noted that his last conversation with Mr. Rotella was just before this meeting and that the decision was made that he was going to follow up with the applicant on the details for how that could happen. He noted that after that first discussion with Mr. Rotella he then spoke with Mr. Duchesneau and relayed that this arrangement had been made. He noted that Mr. Duchesneau was not interested in having trees planted on his property and that he remains concerned about how this could potentially affect his view to the west.

Mr. Gifford noted that he conducted a cross-sectional study and referred to cross section H to H prime. He pointed to the plan and noted where the line of sight runs between two homes. He pointed out the evergreen barrier and noted that they looked at the topography. He noted that Mr. Duchesneau's house sits approximately 28 feet higher than the property line, and noted that they scored a sight line from the first floor elevation to the top of the farthest solar panel. He noted that they found out that the proposed 7 to 8 foot high proposed barrier would, in fact, block that sight line. He noted that they then scored a sight line from the second floor to the farthest ten foot high panel and found that the 7 to 8 foot high barrier just starts to infringe upon the sight line. He noted that you need to think of the trees as conical in shape, so that the sight line is just going to see the far panels just touching the top of the conically shaped evergreen trees. He noted that over time as the tree grows and the cone raises, within a very reasonable amount of time, about two to three years, the panels would be fully blocked along this particular view. Mr. Boyer clarified if this was with the 7 to 8 foot tall trees. Mr. Gifford confirmed this. Mr. Ward asked if this was right at the top of the slope. Mr. Gifford noted it was further down the slope. Mr. Ward asked if this was the barrier that they are proposing. Mr. Gifford noted it is this barrier, and he pointed out where the cross section goes.

Mr. Gifford noted that he added a third conversation to his task and noted that Mr. Peterson came to him after the meeting last week, and since he was going out there anyway, he decided to visit Mr. Peterson, who lives on Lot 14, and hear what he had to say. He noted that Mr. Peterson is not as concerned as the neighbors across the street about views to the facility from his house, and that in fact, Mr. Peterson brought him out into his back yard and Mr. Gifford noted that he could see that he was very well densely screened from his back yard. He noted that Mr. Peterson has a series of trails in his backyard, however, as you go into the woodland. He noted that Mr. Peterson brought him out to a point where he indicated on the plan, and noted that they stood on his property line and looked across the woodland to where they projected the facility was going to be. He noted that as a result of that discussion, they talked about extending the evergreen barrier, shoehorning in between the wetland edge and the proposed slope there. He noted that they are only able to put a single line of evergreens in along the limit of disturbance up to a point where he pointed to on the plan. He noted it is his feeling that over time, as it is going to require some growth, that this will act as a very effective permanent visual barrier. Mr. Ward asked Mr. Gifford if he has spoken to his clients and if they are in agreement of extending that and also of

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planting the trees for 175. Mr. Gifford noted that was correct. Mr. Pagliarini asked Mr. Gifford when he was out with Mr. Peterson how he knows that they were on the property line. Mr. Gifford noted it was because they staked out the property line a week prior. Mr. Pagliarini asked if Mr. Gifford and Mr. Peterson were able to see a marker from where they were standing. Mr. Gifford noted yes, they were. Mr. Pagliarini asked Mr. Gifford in his expert opinion, if the plan that he is presenting to the Board this evening, in totality from the Saccoccia property down on the bottom all the way up to the new proposed single line, does it give adequate screening to this project. Mr. Gifford noted that in his opinion it does.

Mr. Boyer asked Mr. Gifford at what stage they plan on installing the buffer, if it was pre-construction or post-construction. Mr. Gifford noted that he hasn't had that discussion with his client. He noted he would have to say that if this section that he pointed to on the plan had not been just recently added, that this section which he moved to point to could be planted at any time, preferably as early as possible. He noted that because of the site work that is required in the area he pointed to, his guess is that this probably should happen after that site work is done. He noted he would have to touch base with his client, but that he thinks the best way to do this would, in fact, be to install this as soon as possible and then follow up with the other area after the site work is complete. Mr. Boyer agreed and stated that he thinks that the first buffer that the Board has always looked at should be done prior to construction.

Mr. Boyer addressed Mr. Pagliarini and noted that always during construction circumstances come up that were unforeseen. He asked Mr. Pagliarini if his client would be agreeable, after the facility is up and running, to have either the Town Planner or Town Engineer do a site visit out there to ensure that what the Board is proposing as far as a buffer is meeting what they think it is meeting, and that if there are gaps or something that is not being buffered which they anticipate as being buffered, would then be closed in. Mr. Pagliarini noted he would have no objection doing that with staff. Mr. Pagliarini asked if they can dissect the statement about the trees being planted 'prior to' commencing the project, if there would be an objection to 'concurrently' putting those trees in. Mr. Ward noted that he doesn't have any problem with 'concurrently,' as long as the plantings are done during growing season, and as long as there is a degree of reliability. There was discussion. Mr. Boyer noted if it is going to be concurrently, that of the 5 houses that are shown on the plan, the ones that are most affected by the project are the three to the north, and they should start at that end and move southerly, to try to lessen the impact on those houses. Mr. Pagliarini noted that was reasonable asked his client if they saw any problem doing that. His client indicated no.

Mr. Ward asked the Board members if there were any other questions for Mr. Gifford.

Mr. Regan asked about the survey accuracy. Mr. Gifford noted that there was never a question about the accuracy of Woodard and Curran's survey. He noted that what had happened is that he had mentioned that to help with the cross-section studies, they had to project topography to get the elevation of the homes. He noted that in order to do that, they used publicly available Rhode Island Geographic Information System information. He noted that the Town engineer had suggested that he look into the most up to date RIGIS information, which he did. He noted that these cross-sections are based on, and they have it referenced on the plan, the RIGIS 2011 USGS Statewide Li-DAR data, provisional release. He noted that this is new data that has been posted

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on the State system, and that he spoke with Paul Jordan who heads up the RIGIS system at DEM and got this information. It was noted that a copy of this plan will be submitted and made part of the public record.

Mr. Boyer asked Mr. Gifford if the topographical study that was conducted for development of the project was based on the survey plan by Louis Federici. Mr. Gifford noted that was correct. Mr. Boyer asked how the RIGIS information correlates with that data. Mr. Gifford explained that what they did was identify the cross section locations, which gave him horizontally the distance. He then went to the RIGIS information and simply looked at what the difference in vertical distance was. He noted that they were not looking at labeled contours, except to make sure that they had the interval correct. He noted that this up-to-date information gave him two foot intervals, and that it was pretty good information, but noted that the datum was not important. He explained that they simply needed to know the change in vertical distance from the property line to the location of the homes, and then they just scored a straight line. Mr. Regan asked if it is within two feet. Mr. Gifford noted that safely, yes, and noted that what Paul Jordan explained to him was that this new RIGIS information is supposed to be within six inches. He noted that within the total context of what he is trying to do here, which is really just a visual analysis, the information that he used was more than adequate in his opinion.

Mr. Boyer asked if from Mr. Duchesneau's house the 7 to 8 foot tree was just skimming the top. Mr. Gifford noted that was for the second floor. Mr. Boyer asked why not go with a bigger tree. Mr. Pagliarini noted because trees grow. Mr. O'Loughlin suggested they do the last section with 8 to 10 foot trees. Mr. Pagliarini noted there is a balance here, and explained that they did their own shading analysis and that they are up against how often the trees need to be maintained in the future and how tall they could be. He noted that they are talking about a second story bedroom window and that he doesn't know what the reasonableness standard is, such as if it was a second story deck. Mr. Boyer stated that he doesn't know what the difference is and that he still hasn't heard the answer. Mr. Gifford noted that the quick answer is that there is a certain amount of fear to opening that can of worms, because how far do you go and who gets those taller trees. He noted that certainly it would be appropriate for these individuals because we can see a very specific benefit along this sight line. He noted it is unreasonable for all of us to presume that his view is only in one straight line, so one could say then there has to be a certain distance here where you go with the taller trees. Mr. Boyer noted that unfortunately the unknown here is that the Board has all walked along that line and that they think they have a good grasp as to what can be seen, at least from the west looking east. He noted that he doesn't know what Mr. Gifford saw when he went out there and he is not really sure what the conditions are from Mr. Duchesneau's and Mr. Rotella's house. He noted that they think that they are all in agreement with what they are going to do from that point south, but he wasn't sure if there was a reason why. He noted that if satisfying an issue is a matter of a one and a half foot taller tree, it doesn't make much sense to go against it. Mr. Regan asked if it is an issue of availability. Mr. Gifford noted possibly. He explained that certainly when they put in an order for 100 to 200 7 to 8 foot trees, chances are very good you are going to get them all, but the taller the trees are, the more work it is to making sure you can get them. He noted that 10 trees or a dozen trees that are in the 8 to 10 feet size would probably not be difficult to find. Mr. Deobler noted that the taller trees are ok. Mr. Pagliarini added that it is in those two limited view corridors. The Board noted

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that it would be in the view corridors, not in the entire buffer. Mr. Ward asked to move on to the next items.

Mr. Pagliarini read item 6 about the source for GIS data and read the answer. There was no comment from the Board. Mr. Pagliarini read item 7 regarding the additional infiltration data and read the response. Mr. Ward asked if they have notified Mr. Cotta of the infiltration rate. Mr. Pagliarini asked Mr. David White, applicant's engineer, if the discussion was made with Mr. Cotta to come up with the 1.02. Mr. David White, Professional Engineer with Woodard and Curran answered that it was Mr. Cotta's suggestion in his original comment to use a lesser rate. Mr. Pagliarini noted that the applicant is accepting the Town Engineer's number. Mr. Ward clarified that it is not verification, it is just accepting the design standard. Mr. Pagliarini noted that was correct.

Mr. Pagliarini went over item 8 for the dust control plan and read the response. There were no questions from the Board.

Mr. Pagliarini went over item 9 regarding additional information on the pile driving and read the response. He noted that he understands that the response to minimize noise if they do hit a point where they want a post to go, is that they will stop at that point and put a ballast foundation. Mr. Reagan asked what if both hit rock. Mr. Pagliarini called Mr. Dennis Brennan, Project Manager for Gehrlicher Solar to answer the question. Mr. Reagan clarified his question and noted that he understands that if one will be ballasted and one will be at depth that they will be good, and noted his question is what if both hit rock. Mr. Brennan answered that if they are driving a post and they hit refusal, meaning the post will no longer go in, they will stop driving the post, and at that point they will determine if it is deep enough as determined by the structural engineer standard, and if it is not deep enough they will pull the post out and will dig a hole and will put up spread footing, which is basically a 4 foot by 4 foot cube dug out of the earth, a cross beam is welded on, and concrete is poured. Mr. Reagan stated alright, and noted that a ballast sounded like it was just going to sit on the top. Mr. Brennan noted no and explained that they do have ballast mounted, but that they do spread footings and it is actually in the ground. Mr. Reagan said good, and noted that makes sense. He noted he was nervous that a ballast wouldn't get the job done with the wind. Mr. Brennan asked Mr. Reagan if that answers the question. Mr. Reagan stated yes. Mr. Pagliarini asked if it would be appropriate to amend the response, to strike the word 'ballast,' and put 'spread footing.' Mr. Ward and Mr. Reagan said yes.

Mr. Pagliarini went over item 10 regarding the start and finish dates and read the answer. Mr. Berry asked if they had an enlarged version that the Board could read and the Board indicated that the small size was difficult to read. Mr. Dan Richardson of rTerra read the dates, and noted that the start date listed on the chart is 9/30/12, and the date of completion looks like March 8th or 9th of 2013. Mr. Ward asked what the date is when they get down into the non-offensive operations such as the conduit and the electric cable. He asked if the majority of the work as far as pounding and everything else is going to be done between September and January. There was discussion as the Board tried to read the dates. Mr. Brennan read the dates, and noted they have construction of the racking starting 11/30/2012 to Christmas Eve, and noted that that is the timeframe when the post driving is going to be. He noted that the installation of the modules will start December 12th to January 2nd. He noted that the most of the construction activity is

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going to happen, and the project should be turned over, by the end of January by this schedule. He noted that the rest of the time is paperwork and closeout documentation. Mr. Ward noted he understood, and noted that was the point he was trying to make, because it is not all that time from September, but to Christmas Eve with the pounding. Mr. O'Loughlin noted there would be a couple weeks before that, too, with the rock crusher, and that it would be almost from Thanksgiving to Christmas. Mr. Brennan noted that the construction of the racking includes driving of the post *and* the assembly of the cross members, and noted that the activity for the driving of the posts will end on December 17th. He noted that the rock crushing would be from November 28th to December 18th. Mr. Ward noted that pretty much the week before Christmas all the offensive operations are done, as far as the pounding and the rock crushing operations.

Mr. Ward asked if they have no problem taking a break on the rock crushing the week before Christmas until New Years, and asked if this would be a problem if they are not done, or if they will make sure that they are done by the 18th as specified. Mr. Brennan noted that they have completed a bunch of these projects and that they are all on schedule, and that the schedule is what they hold to and it is what they are held to by the owner. Mr. Ward noted it is just a sensitive time and that also it is going to be sensitive, not that the tree operation is a concern, but really more for the abutters, as it is a time that is hectic and everything else and they really don't want to be listening to that crusher and everything going on. Mr. Pagliarini noted that he doesn't believe it is going to be a stipulation issue, but that according to the regulations it can't be done on a Holiday, so nobody is going to be pounding on Thanksgiving Day. He noted that the 18th is the week before Christmas, which presumably is a time that a lot of people aren't home during the day. He noted that he thinks one of the benefits of that particular time frame would be that it is almost the shortest days of the year, so rather than going to 7 p.m., noting that they had said 8 to 5, that he believes it is going to be dark by 5 p.m. and that operations will be done even earlier on those particular days.

Mr. Ward asked if anyone else had any questions. There were no questions from the Board.

Mr. Pagliarini continued on to item 11 regarding the decibel levels of the construction equipment and read the response. He added that the Board has imposed a Monday through Friday schedule, even though the regulations allow Saturday by the Zoning Ordinance. He noted it will be Monday through Friday, 8 a.m. to 5 p.m., even though the regulations are Monday through Saturday, 7 a.m. to 7 p.m. Mr. Ward noted that is fine.

Mr. Pagliarini addressed item 12 regarding the blasting notice procedures and read the response. He noted that the Planner stated in her comments that an argument can be made that this project is exempt from that State Law under the utility exemption, but that his client has no objection to following the 24-hour standard imposed by the State Law.

Mr. Ward asked if anyone on the Board had any questions or comments with respect to the responses. No one had any comments. Mr. Ward opened up to public comments and noted that it is based solely on any questions or comments on the items discussed here tonight.

Mr. John Duchesneau went up to the Board and passed out an aerial photo of the area. He noted that when Mr. Gifford went to his house, that he took this line that he pointed to on Mr. Gifford's

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plan and explained that it is kind of flat in this area and pointed out the elevation of his house and the area. He noted that when you look at the view of the house, that Mr. Peterson's lot drops off and the cul-de-sac drops down. He noted that the contour lines don't extend out there so you can't really get the relationship. He turned the page on the plan and noted that his point is that perhaps, in that one aspect, on that one line coming across where it is kind of flat, that this hill flattens out along with the rest of this as it comes across Mr. Peterson's house, which is within the view plane from his house. He noted that if you put 7 or 8 foot trees here, that maybe you obstruct some stuff. He corrected where he pointed to on the plan and noted that he should have been over here as he pointed on the plan. He noted that as this comes down, the focal plane is going to be such that he is going to be able to see this. He noted that it would be different if this was brown, but that these are black panels and the fence is going to be black too, and that it is going to be contrast to what you normally see out there. He noted that he thinks that looking across, some of it may be obstructed in the vision of plane where he did his study, but he thinks that in this aspect from here where he pointed to on the plan, and out through this range, he is still going to see it. He noted that when he first built his house when the lot was being cleared that Kevin Breene was on his tractor and he met up with him and that he explained you are going to have a nice view out through here in a rural, bedroom community. He noted that he actually pulled the house forward and changed the aspect and figuration of the foundation so that he could look between these two houses, versus what it was on the original plan. He stated that now he has subjective things, like "well, you know, it should cover it, you know, after a few years." He stated that he doesn't see this as a good answer.

Mr. Regan noted that he thought Mr. Pagliarini agreed to take a look at it after the fact, to make sure it worked and asked if that was right. Mr. Duchesneau noted it was after everything was built and noted that he worked for a company where you hear a lot of this. He noted that later on, after it is built, it is ask for forgiveness and, "well, there's not much we can do now," because it is already built. Mr. Regan asked Mr. Pagliarini if he wanted to address this.

Mr. Pagliarini noted that Mr. Boyer asked specifically if they would agree at the end to come back out and if there is a hot spot it will be addressed. Mr. Ward asked Mr. Duchesneau if he wanted the aerial photo as an exhibit submitted into the record. Mr. Duchesneau stated yes.

Mr. Pagliarini noted he wanted to say for the record that this is the front of the homes on that side of Kimberley, versus the rear of their homes.

Mr. Duchesneau noted that he lives there, and the sun sets this way through the trees and it is a nice view when the leaves are off. He noted that if you look on the aerial photo you will notice that most of it is pretty clear and that when you start to put trees there you are actually blocking the view that he has enjoyed from his property for 19 years. Mr. Ward noted that he understands. He explained that the Board is doing everything they can to protect his interest and his view and to actually screen it. He noted that the Board is going to extra efforts, by asking that at the end, if there are any hot spots, that they have been done. He noted to Mr. Duchesneau that the hard fact and the thing that is most hard to swallow here is that really he has no right over viewing other people's land unless he actually purchases that land and owns it. He explained that Mr. Leyden has a right to do this and the Board is trying to accommodate Mr. Duchesneau as best they can.

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Mr. Berry noted that they had talked about taller trees in that limited area. Mr. Duchesneau noted that he understands and that maybe if they put them in maybe it would help, he is not sure. Mr. Duchesneau noted that we are sitting here and saying all this, but that when he looked back at the Comprehensive Plan, and when he looked at the overriding land use goal, as expressed in the public meeting in 1992, back around when he moved in here, was to preserve the traditional rural landscape and lifestyle of West Greenwich. He noted that it is in bold letters, and it is also portrayed throughout the goals and policies of the Comprehensive Plan, which the Planning Board and the Zoning Board are supposed to uphold. He stated that this is not rural landscape. He stated that he is not saying he can't do what he wants, but that the Comprehensive Plan talks about promoting farming and all these other type of activities that are consistent with the rural appeal of West Greenwich—the thing the good citizens of this Town have come to accept and know. Mr. Duchesneau noted that he called today and talked with Charlene at Statewide Planning regarding utilities and everything else—the subsection of the regulation or code. He noted he was talking with her about it and that he guessed they have drafted regulations about these type of issues because there have been so many calls. He stated that what she expressed is that people have taken liberties with this, because originally, those type of things, when these Comprehensive Plans went into place, were for issues like substations, small areas that would provide for the conveyance of power to subdivisions and things of that nature, not for power generation to be sold commercially. He noted that he has to take issue and that he has to say that in the Zoning's Special Permit it says, "panel arrays and equipment cannot be visible from neighboring properties." He stated that he is in the neighborhood and it is a neighboring property, and that it is going to be visible, questioning for how many years. He noted that nobody can say and that it is subjective, questioning how fast do trees grow, and how fast are they going to be thick enough. He noted that they are impacting that which makes this defective. He noted that the Special Use Permit is defective because they can't comply with it.

Mr. Ward stated that he thinks that when the Zoning Board made that ruling, that they were talking about-- and that he will ask that the Chairman present something in writing to the Planner to verify this-- that there are two different notice requirements. He explained that on the Zoning Board there is a 200 foot requirement and therefore, he thinks, quite honestly, that they were talking about the notice within 200 feet as far as neighboring land. He reiterated that the Board will get an actual thing from the Chairman and ask him to submit that. He noted that Mr. Duchesneau is bringing up a legal aspect and that he has to respond to the best of his knowledge as to what he perceives what that comment was and what that stipulation was actually enforceable on. He noted that Mr. Duchesneau is outside of the 200 foot marker, and noted therefore, that it is his personal perception that by that factor he is not considered a neighbor according to the stipulation put on by the Zoning Board. He reiterated that he will ask that the Planner obtain that information.

Mr. Duchesneau noted that he thinks that Mr. O'Loughlin attended the Zoning Board meeting, and that in the minutes it explains that he recommended that the other properties within the subdivision, also, and at higher elevations be looked at, and that it was disregarded by the Zoning Board and it moved forward. Mr. O'Loughlin noted he mentioned at that meeting that what they were going to be supplying to us be what they provided.

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Mr. Duchesneau noted that by combining the Master Plan and the Preliminary Plan that it circumvented the notification and that he hasn't had the opportunity to give some information prior to this getting to this point. He noted that this is a bedroom community and that he goes to his house and he has lived here and he has enjoyed it. He noted that sure, you can put public notification in the newspaper, but that he doesn't get the newspaper. He stated on a lot of things he doesn't, because he relies on the tenets and precepts of the Comprehensive Plan that says that we are going to keep this as a rural community, and that we are going to have farming and promote all this type of stuff, not an 8 acre eyesore. Mr. Ward noted that he appreciates Mr. Duchesneau's comments.

Mr. Duchesneau noted that he wants to go on the record that he thinks that the Special Use Permit should be revoked. Mr. Ward noted that that is not an issue before the public hearing and it is not one of the items, and that he cannot accept that public comment about the revoking. He noted that he can put that in the paper and bring it up with the Town Manager, but that the Board is limited to the items that were brought up today because they were certain items that were discussed by the Board as far as needing further input.

Mr. Duchesneau noted that he is basing this on what we are all talking about—that the panels are not supposed to be visible by the Special Use Permit. He noted that that is what we are discussing and that what he is saying is that it needs to be either revoked or rescinded. Mr. Boyer stated that he did listen to the tapes of the last meeting and that he heard that brought up, and so he called the Zoning Board Chairman today and asked him to specify what he meant. He noted that he will ask the Vice Chair to have the Planner get a letter from Mr. Jones. Mr. Boyer noted that he can only say what Mr. Jones told him, and that specifically they meant the abutting properties were supposed to be screened from it. He noted that this doesn't help Mr. Duchesneau, but that he called to clarify that because it was a valid question and he didn't know what the answer was and so he called to ask him what he meant by that and what the Board meant by that, and that that was the answer he gave him. He noted that he thinks that the Board should get a copy of that, or clarify that from the Zoning Board so it goes in the file. Mr. Ward noted that even though, he thinks legally, that that is the requirement that the Town is bound by and this Board is bound by, that the Board is getting the applicant to agree to provide extra screening for his next door neighbor, to raise up the elevation of the trees, and to extend out the barrier line. He noted that the Board is doing everything they can to try to protect his view, even though he has no right to that view unless he owns the land. Mr. Duchesneau noted he just wanted to make sure that he goes on the record for the appeal process. Mr. Ward noted that he understands and that he hates to be so hard and so definitive, but that sometimes it has to be said. He noted that the Board is trying in every respect to get the applicant to be conscientious. He noted that from what they have heard, that the applicant is willing to do that, and that the Board is trying to move this forward as far as the best possible position for all of the abutters within their notice area, not just the Zoning Board notice area.

Mr. Pagliarini noted a point of clarification that the Town Zoning Board and the Planning Board in their advisory opinion both found that this project was consistent with the Town Comprehensive Plan. He noted that those were findings of fact. Mr. Boyer noted that they know that. Mr. Pagliarini noted he was just responding for the audience because not everybody was at the Zoning Board meeting. He noted that this property received a Special Use Permit in July,

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which was appealable to the Superior Court. He noted that it was duly posted, recorded, and advertised in the newspaper and on-line. He noted that this property is properly zoned for a solar farm. He explained that the Planning Board's charge is the devil of the details, of how will this farm be built. He noted that this is not the proper venue to say you don't want a solar farm, but more of, how is the farm that was approved going to be built. He noted that he wanted to make that statement publicly and noted that it has been approved by the Board. He noted that he thinks that the applicant, having Mr. Gifford, at their expense, go out and meet additionally with the property owners across the street, and proffer to put trees on their property, and be rejected, shows the willingness of the applicant to do the additional screening, as was agreeing to put taller trees in certain areas in Mr. Duchesneau's view line, and second, *if* staff determines that there is a hot spot, they will come back and work their best to cure that. He noted that it is his belief that they have met the standard.

Mrs. Letendre noted that there are two legal things that came up in Mr. Duchesneau's comments that she'd like to give some clarification for. She noted that the combined Master Plan and Preliminary Plan was not only just appropriate in this case, but it was necessary because the Master plan stage is really conceptual. She noted that with the Special Use Permit being granted, we are way beyond the conceptual stage, and noted that as Mr. Pagliarini stated, this is all about the details. She noted that you reach the details of the plan at the Preliminary stage. She explained that there is a public hearing at the Preliminary stage, and that there is not a public hearing at the Master plan stage. She noted this was the main opportunity for the public to speak and be involved with the application, and that the combined Master Plan and Preliminary Plan was essential because of the type of use. She noted that the second thing she would like to say is that this Board does not have the jurisdiction to undo anything that the Zoning Board grants. She explained that the Board doesn't have any review authority over the Zoning Board. She reiterated that it is the details of the matter, and that it will be in the *enforcement* of those conditions, including the Zoning Board's condition, that this question of visibility is going to be determined. She noted that what this Board has decided is that any approval that they grant is going to be subject to the Town Planner and the engineer doing a site inspection once all the tree buffer is in and the solar panels are in, to see if there is an issue with respect to view. She noted that that is at the point where the Board can make a determination on visibility. Mr. Duchesneau noted that he would ask that the condition be held off, because if these can be reconfigured, he doesn't care if the thing is here. He noted that he doesn't want to have to see it or deal with after the fact, "oh well, you know, we tried, we did this, we did that." He noted that there is adequate land to move some of these, maybe position some of this, and then everybody is happy. He noted that he doesn't think that that is being unreasonable. He noted that if they can put 30 foot trees in there and he doesn't have to see it, that is fine, but when everybody stands up here and says, "well, a reasonable period of time, well, you know, the growth rate can average this and that," that that is all well and true, but it is all relative to what goes on with the weather and everything else. Mr. Ward noted that he understands his concerns. Mr. Ward asked Mr. Duchesneau if he had anything else. Mr. Duchesneau indicated no.

Mr. Ward asked if anybody else from the audience had anything to say with respect to the items that were presented.

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Fred Medeiros, 90 Kimberly Drive, asked if they will always be responsible to block the view with the tree buffer, and asked what happens if, say, they get hit with Japanese Beetles in two years from now and all those trees have to be taken down along with all of his trees. Mr. Ward noted that it is a stipulation and that they are going to have to. Mrs. Letendre noted that the conditions run with the land, just as the approval does. Mr. Boyer explained that the conditions run with the land and the condition of them screening abutting owners from seeing that, and the answer to his question is yes, they are.

Mr. Ward asked if anyone else had any questions with respect to the issues that the Board brought up.

Gary Speciale, 150 Kimberly Drive, asked if we don't agree with this Planning Board's decision, and don't agree necessarily with their definition of 'neighbor,' he understands that they can appeal to the Zoning Board, and then if they don't take it, that they can appeal to the Superior Court, and asked if they do file an appeal, if that holds up construction of this project. Mrs. Letendre explained that it doesn't and that they would have to approach the Superior Court and file the appeal for a stay. She explained that the Court has the discretion of whether or not to issue that stay, which would interrupt construction. Mr. Speciale asked if they have to wait to see if the Zoning Board would take the appeal, or if they can just go right to Superior Court. Mrs. Letendre noted that the Zoning Board will take the appeal, but they just don't know if the Zoning Board will grant the appeal. Mr. Speciale asked if they have to wait until that grant, or if they can go right to the Superior Court and file a motion to stay. Mrs. Letendre explained that they have to go to the Zoning Board first. Mr. Pagliarini noted that at this point he would advise him to seek legal counsel because he doesn't want him relying on the Town or himself for legal advice. Mr. Speciale noted it was the process that she was explaining. Mr. Ward noted that they have to appeal to the Zoning Board that acts as the platting board of review, and that he would recommend that he seeks legal counsel. Mr. Speciale noted that the main purpose of that question was to find out if that would stay the construction, and it does not.

Mr. Ward asked if there were any other questions. There were none from the audience. Mr. Ward asked if the Board members had any questions. There were none. Mr. Ward noted that at this point in time, he'll entertain a motion to close the public hearing with respect to the items they've talked about. Motion to close the hearing by Berry, seconded by Boyer. There was no discussion. All in favor (5-0).

Mr. Ward called for deliberation amongst the Board members.

Mr. Berry noted that they've done the site visit, and they've looked at various things here. He noted that in terms of the solar farm, it is a passive operation and there is not a lot of noise associated with it other than with construction. He noted that there is the drawback of the sight view, but that in his mind he thinks they have tried to alleviate as much of that as possible. He noted that Mr. Leyden has the right to do on his property—within reason and within the Zoning Ordinance—what he can do. He noted that based on that that he feels fairly comfortable that the Board has addressed the issues as best as they could.

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Mr. Ward asked if anybody else has any concerns with respect to the operation.

Mr. Regan noted that he thinks that the applicant has done everything that has been asked of them, and noted that that is not all that common.

Mr. Ward noted that he'll entertain a motion with respect to either approval or denial of the application.

Mr. Berry noted that he would like to make the motion, and noted that he has notes and asked Mr. Boyer if he had any. Mr. Boyer noted that he had notes also and noted he will add his in. Mr. Berry agreed. As Mr. Berry made the motion, Mr. Gifford noted that the landscaping plan, as of today, consists of 4 sheets and is dated through revision September 17, 2012. Mr. Gifford submitted the plan for the record.

Motion to approve to the Plan entitled, "Master/Preliminary Plans Plain Lane Power I" at Plat 30, Lot 23, prepared by Woodard & Curran, dated August 2012 consisting of 5 sheets, and the Landscaping Plan prepared by The Gifford Design Group, Inc. dated August 16, 2012 consisting of 2 sheets, and including the revised Landscape plans consisting of 4 sheets dated through revision September 17, 2012, with the following conditions:

1. That the Final plan be reviewed by the Planning Board after the project has been constructed and after the required vegetation has been planted.
2. For the buffer, in addition to the Landscape plan dated September 17, 2012, the revisions include extending the buffer in a northwesterly direction as depicted on Sheet L-100, and that the three or four trees that were agreed to for Mr. Rotella's property at 175 Kimberly Drive be installed, and also install taller trees in the view corridor for Mr. Duchesneau between lots 13 and 14.
3. The applicant shall maintain the drainage system in accordance with the approved Stormwater Pollution Prevention Plan (included within the Stormwater Management Report).
4. There shall be no additional lighting provided on site for the solar project. If lighting is proposed in the future, a plan shall be submitted to the Town for review and approval and shall meet the requirements that lighting shall be limited to that needed for safety and operational purposes, and shall be directed downward and shall be full cut off fixtures.
5. The solar panel field and all related structures, equipment, and utility lines shall be removed from the site by the operator or owner of the solar power development at the end of its use or upon discontinuation of its use, within 180 days after the date of discontinued operations. Removal and Disposal of all solid and hazardous material shall be in accordance with State and Federal waste transportation and disposal regulations.
6. potential Removal bond requirement
7. Submit proof of liability insurance.
8. Hours of operation for Stone Crushing shall be limited from 8:00 a.m. to 5:00 p.m., Monday through Friday, no weekends.
9. Water that is used for Stone Washing shall be trucked into the site or shall be taken from the standing pond. No wells will be drilled.

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10. Notice to adjoining landowners for blasting shall be made in accordance with the notice procedure required in Rhode Island General Law 23-28.28-37, regardless of the fact that this may be considered 'utility construction.'

11. All broken solar panels shall be removed from the site within 48 hours of breakage.

12. Procedures, measures, and best management practices pertaining to stormwater pollution prevention and control, and soil erosion and sedimentation, including dust control, shall be implemented in a timely manner.

13. Submit approval from RIDEM for the Wetlands Preliminary Determination and RIPDES application.

14. That all of the items from the response letter from Woodard and Curran dated September 21, 2012 be included in this motion.

15. Noise levels will be governed in accordance with the West Greenwich Zoning Ordinance. Berry-Boyer. Discussion. Mr. Boyer asked if Mr. Berry would consider amending item 4 to change the first sentence to read, "There is no additional lighting provided on the site." He asked about item 6 and if the Board should leave the bond amount to the discretion of the Town engineer. Mrs. Letendre noted that it was determined in a previous discussion that really no removal bond was required because it was a condition of the lease between the property owner and the applicant. Mr. Boyer asked if the liability insurance should be submitted on a yearly basis. There was discussion and it was noted that it is not required for the Town and that it is something between landlord and tenant. It was noted to strike this condition. Mr. Boyer noted that item 9 should read, "Water that is used for stone washing shall be trucked into the site and *supplemented* from the standing pond," not 'or,' as reflected in the response letter from Woodard and Curran. Mr. Boyer added to include that a post construction site visit will be conducted to supplement the buffer as necessary. Mr. Pagliarini asked what number one says, and asked for clarification if Final approval will normally go to the Board or will be administrative, and asked if the Board is going to retain that, after construction, and if they can build without final plan approval. Mr. Boyer noted that they will get their final plan approval at the end of construction, once the panels are up, so that the Planner and the Engineer can go out there and make sure that everything that the Planning Board have been trying to anticipate is covered. Mr. Pagliarini asked to propose an amendment to item 14, where Mr. Berry said to adopt the response letter of Woodard and Curran, and because they made a few changes to that he would like to add, 'as amended.' Mr. Berry noted that he had actually written down, 'with amendments,' but forgot to read it. It was noted to include 'as amended' to this condition. Mr. Pagliarini asked if number 3 was addressed which referenced the bond for the buffer, and noted that it is the requirement that it begin at the beginning of the project. Mr. Berry noted that it went with number 2 for the tree buffer, and a potential bond to go along with that. It was noted that a two year maintenance bond will be required for the buffer.

Vice Chair noted that there is an amended motion and asked if Mr. Berry accepts the amendments. Mr. Berry noted yes. Mr. Regan seconded the amended motion. There was no further discussion on the amendments. All in favor (5-0).

There was discussion on voting on the findings of fact. Mr. Boyer made a motion to include that this motion is based on the findings of fact items one through 15, in the Planning Board memo dated September 25, 2012. Boyer-O'Loughlin. Discussion. Ms. Paquet noted that there were questions in the draft findings of fact and asked for clarification on what equipment the hours of

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operation for the construction applied to. The Board noted it was any of the noise generating construction of the stone crushing and pile driving, and to add this to item 15. Mr. Boyer asked about the wording on number 8, about the use of the operation versus the use during construction. Mr. Ward noted it is the use during operation. Mr. Boyer further asked Mrs. Letendre, since he doesn't think there was any testimony given on this, about the next phrase if the Board can make a finding of fact on the protection of property values. Mrs. Letendre noted it is not a requirement, and it was noted to strike this. Mr. Boyer amended his motion to the findings of fact as amended. Seconded by Berry. There was no discussion. All in favor (5-0).

Vice Chairman Ward handed the gavel over to Chairman Boyer.

Motion to adjourn. Berry-Ward (5-0). The meeting ended at 8:22 p.m.

WEST GREENWICH
October 15, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, October 15, 2012. Present were: Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, and Tom O'Loughlin. Chairman Mark Boyer and Alternate Bill Bryan were absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Vice Chairman Ward called the meeting to order at 7:01 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

September 14, 2012 Site Visit
September 17, 2012 Regular Meeting
September 25, 2012 Special Meeting

Ms. Paquet noted that the September 25th minutes are not ready yet.
Motion to approve the minutes of the September 14 site visit. Berry-Regan (4-0).
Motion to approve the minutes of the September 17 meeting. Berry-Regan (4-0).

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

Mrs. Letendre noted that she spoke with Lorraine Joubert from URI NEMO. She discussed having this authorized in the Zoning Ordinance and having it integrated into the Subdivision Regulations. There was discussion on the Board reviewing a new draft. There was lengthy discussion on what the ordinance does. The Board asked to have a draft ready for next month.

[left off 00:09:30]

Minor Development Plan: Preliminary Plan

“T & L Waltonen Enterprises, Inc.” -- AP 6, Lot 29
--at 65 Nooseneck Hill Road (corner of Valerie Drive); Zoning: Highway Business
Proposed for mixed-use office, residential, and product display area
Owners: Peter Jr., Judy, & Gregory Contardo
Applicant: T & L Waltonen Enterprises (Thayden and Linda Waltonen)

No one was present. Ms. Paquet noted that she has not received any revised plans or heard from anyone on this project.

Motion to table until further notice. Berry-Regan (4-0)

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PLANNING BOARD MEETING

Request for Bond Reduction

“Carrs Pond Estates” Minor Residential Compound – AP 2, Lots 6 & 12

--off Carrs Pond Road; conditional final approval granted on April 16, 2012

Owner/Applicant: Carrs Pond Associates, LLC (Michaels and Steve Kent and Carmine D’Ellena)

Ms. Paquet noted she did not receive an update memo from the Town’s consulting engineer and that her last conversation with him indicated that there was something still outstanding besides the seeding. She also noted that since last month, the applicant has posted the full bond amount.

Motion to continue to next month. Berry-Regan (4-0)

ADJOURNMENT

Motion to adjourn. Berry- O’Loughlin (4-0). The meeting ended at 7:27 p.m.

WEST GREENWICH
November 19, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, November 19, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward (7:23 p.m.), Secretary Tim Regan, David Berry, Tom O'Loughlin, and Alternate Bill Bryan (7:05 p.m.). Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

September 25, 2012 Special Meeting

October 15, 2012 Regular Meeting

Motion to approve the minutes of the September 25 Special meeting and the October 15 Regular meeting. Berry-O'Loughlin (3-0) with Boyer abstaining.

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

Tabled to end of meeting.

Request for Bond Reduction

"Carrs Pond Estates" Minor Residential Compound – AP 2, Lots 6 & 12

--off Carrs Pond Road; conditional final approval granted on April 16, 2012

Owner/Applicant: Carrs Pond Associates, LLC (Michael and Steve Kent and Carmine D'Ellena)

No one was present for the applicant. Ms. Paquet explained that the memo from the consulting engineer indicated that everything was ok and that in the previous memo he had recommended that \$10,000 be retained for the maintenance bond.

Motion to reduce the maintenance bond for the Carrs Pond Estates to \$10,000. Berry-O'Loughlin (4-0)

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

WEST GREENWICH
November 19, 2012
PLANNING BOARD MEETING

“Pine Estates” AP 53, Lot 6-1 Minor Residential Subdivision
Revised Preliminary Plan in accordance with conditions of approval

--off Hopkins Hill Road; 5 lot subdivision with new public road; preparation for construction
Owner/Applicant: William Pine; Contractor/Builder: Shoreline Properties, Inc. (Joe Catelli)

- Conditional Preliminary Plan approval granted on January 22, 2007, with extensions

Mr. Michael McCormick, PLS from Alpha Associates, and Mr. Joe Catelli, site contractor, were present. Mr. McCormick gave an overview of the 2007 Preliminary approval and gave a description of the site and its location. He then gave an overview of the design of the road and drainage. He explained that they had Subdivision Suitability S37-66 approved on September 5, 2006, which would have expired in 2011, but is still good due to the tolling, and that the Wetlands Permit 06-0293 approval is dated August 18, 2006, which would have expired in 2010, is also still valid with the tolling.

Mr. McCormick went over the road profile and the fire cistern, and then went over each of the conditions of the 2007 approval and noted what had been done. Ms. Paquet noted that the site distance clearing was not added to the plan, but that it will need to be done. There was discussion on the site distance and where it is bad on the North side. Ms. Paquet noted that the detail for the berm doesn't show the binder building up the berm, and indicated to Mr. Catelli to make sure they do the berm with the binder and top it with the final.

There was discussion on the posts for the no-cut buffer. Mr. McCormick noted they are not on the construction plan, but that they are shown on the record plan. Mr. Boyer noted to add little signs to the posts saying what it is.

There was discussion on the 10 foot strip access along the property line on lot 4 to the cemetery. Mr. Boyer expressed concern that it is shown on the plan, but how to address the actual physical access. There was discussion on how to address the physical access across the private lot. It was noted that it has to be clear to the property owner that there is a right of way there to the cemetery. Mr. Boyer noted that in Hopkinton this came up and they had to cut it and make a foot path.

Mr. Ward arrived at 7:23 p.m.

Mr. Berry asked about the rest of the land. Mr. McCormick noted that they are planning on pushing the cul-de-sac through someday, and the two lots will probably be merged. He noted that it is difficult to develop because of the wetland and the cul-de-sac length regulation.

There was discussion on the cistern, orientation of the houses, possible road name, the septic systems, amount of suitable land, and the well locations. It was noted that it is ok to schedule a pre-construction meeting now.

WEST GREENWICH
November 19, 2012
PLANNING BOARD MEETING

2013 Planning Board Meeting Schedule

Propose 3rd Monday of each month, when Holiday, the Monday before or after.

Motion to approve the 2013 schedule as proposed. Ward-Berry (5-0)

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

Mrs. Letendre noted that some of these requirements could be added to the checklist in the Land Development and Subdivision Regulations. She noted that the Board would have to add an independent finding of fact at the Master Plan stage to incorporate this requirement for an application. She explained that the Town can add more findings than the standard requirements that the State already set up.

Ms. Paquet explained that URI are looking for comments from the Board on the draft. She explained that the basic wording is already in the Land Development regulations to allow for the Board to require any development impact statement that the Board thinks is necessary, and explained that this draft provides more specific details for how to go about doing a potable groundwater availability study, so that the Board is not always reinventing a methodology for how to do it. She noted that a lot of the requirements are basic information that can be provided up front, but that it is just being able to understanding what that information means. She explained that it is a lot of science and that whoever the reviewer is on behalf of the Town has to understand what they are looking at.

Chairman Boyer expressed concern about using the RIDEM OWTS criteria for sanitary systems and explained that very few house use that much water per day, and that it has high buffers written into it. He noted that the average house with a well doesn't use more than 200 gallons per day, and that this should be taken into account. He noted he used to do a lot of treatments for sanitary systems and put meters on the well systems and that very few houses used more than 200 gallons per day. He noted that there must be a study somewhere with a realistic figure, not what the State mandates the sanitary design on. Mr. Bryan noted that that is just for the design of the waste water, but that water consumption could be significantly higher than that, if someone has an irrigation system. There was discussion. Ms. Paquet noted that the point of the ordinance is to find out if there will be enough water, and if not, what kind of conservation practices can they design into the development, or put restrictions on, such as maybe not allowing irrigation. Mr. Bryan noted his concern is that you need to be pro-active in addressing that because the homes that are being built include irrigation systems. Mr. Boyer noted he still thinks that it will be below 200 gallons per day, on average. There was discussion.

Mr. Bryan expressed concern about the language in the last paragraph and asked for legal review. Mrs. Letendre discussed how to word a finding of fact of whether the Planning Board finds that the projected withdrawal will be adequate to meet the needs, or will be inadequate. It was noted that it puts the hydrologist on the hook and the licensed PE.

Motion to adjourn. Ward- O'Loughlin (5-0). The meeting ended at 8:05 p.m.

WEST GREENWICH
December 17, 2012
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, December 17, 2012. Present were: Chairman Mark Boyer, Vice Chairman Brad Ward, Secretary Tim Regan, David Berry, and Tom O'Loughlin (7:05 p.m.). Alternate Bill Bryan was absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Boyer called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

November 19, 2012 Regular Meeting

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

DRAFT Model Ordinance for High-Risk Potable Groundwater Wells, cont.

- Ordinance commissioned by URI Nonpoint Education for Municipal Officials University of Rhode Island, Cooperative Extension Natural Resources Science Coastal Institute in Kingston
- For review, comments, and consideration by West Greenwich Planning Board

Ms. Paquet noted that URI is expecting some revisions from Mr. Ferrari.

Motion to table until a revised draft is ready. Ward-Regan (4-0)

Major Land Development Project: Request to Modify Preliminary Plan approval

“Plain Lane Power” 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2

--at 179 Plain Meeting House Road; solar power panel field and related structures proposed

Land Owner: Big John's LLC (Matthew Leyden, et al)

Owner of Project/Applicant: West Greenwich Solar, LLC c/o Con Edison, and rTerra

--Request regarding landscaped buffer, hours of operation, and drainage modification

--Note: Request regarding hours of operation withdrawn on December 12, 2012

Ms. Paquet noted that a revised letter had been submitted after the Planning Board's packets went out, withdrawing the request to start early for the noise generating construction. She noted that the agenda has been amended to reflect the modified request.

Attorney John Pagliarini, Jr. approached the Board, representing the applicant. Mr. Alan Benevides, PE from Woodard and Curran was present.

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

Mr. Pagliarini explained the requests. He noted that the first request is that the tree planting cannot be done until spring time. He noted that his client does not object to posting a performance bond for the landscaping. There was discussion on the cost proposal. It was noted that this was reasonable. It was noted that the landscaping would be installed at the next growing season. The Board was ok with this. There was discussion on the request to confirm whether the
December 17, 2012 Planning Board Page 1 of 2

WEST GREENWICH
December 17, 2012
PLANNING BOARD MEETING

existing trees in the buffer will not be removed to install the new trees, but rather to install the new trees around the existing trees in the buffer. Mr. Boyer expressed concern about the northern area where there may be more deciduous trees. Mr. Benevides explained they are asking about the evergreens. It was noted that the wall of evergreens will be worked around, and that the northern end where there are some deciduous trees, if need be, some of those trees need to be taken down and evergreens planted there. Mr. Boyer noted that the northern end where the Planning Board made them extend the buffer, is where they specified where site visits may need to take place. He noted that this is where his concern is.

There was discussion on the trees that were to be planted in the Rotella's yard. The Planning Board asked the applicant to send them a letter letting them know that the Planning Board has approved a delay to the planting due to the planting season. There was discussion on whether these trees were included in the bond amount. Mr. Benevides noted it was the entire buffer zone.

There was discussion on the crushed stone flow break. Mr. Benevides showed the Board the drainage plan and the proposal to change the loam berms to HDPE. He explained that the water flows down the slope and that between the panels there are rows of crushed stone so that the water can infiltrate. He noted that they didn't want the water to get into the crushed stone and blow out at the bottom, so they proposed intercepting the crushed stone channels with loam to stop the water and let it infiltrate and not blow out all the way to the bottom. He noted that the contractor was concerned that water was going to blow out the loam and have erosion, and suggested putting in a sheet of HDPE, which won't erode, instead of the loam. It was noted to submit a signed or stamped detail.

It was noted that there is an updated schedule.

Motion to approve the changes as specified to the planting schedule and that a performance bond shall be posted for the amount specified in accordance with the November 17, 2012 Revision 1 letter, in the amount of \$48,850; and that the change for the drainage detail is approved; and that the applicant shall contact the homeowner to inform them of the change in the planting schedule. Ward-Berry (5-0).

Election of Planning Board Officers for 2013

Chairman, Vice Chairman, and Secretary

Chairman Boyer noted he is stepping down as Chairman and that he has served for over 7 years and that it was time to get new blood in. Mr. Boyer nominated Mr. Ward for the Chair. He noted that he has heard good feedback on Mr. Ward's performance when he has had to recuse himself as Chair. Mr. Ward accepted. All in favor (5-0). Mr. Ward nominated Mr. O'Loughlin for Vice Chair. Mr. Boyer seconded. All in favor (5-0). Mr. Boyer nominated Mr. Regan for Secretary. All in favor (5-0).

Motion to adjourn. Ward- Regan (5-0). The meeting ended at 7:18 p.m.