

**WEST GREENWICH**  
**February 11, 2013**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, February 11, 2013. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, and David Berry. Alternate Bill Bryan was also present (7:25 p.m.). Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:01 p.m.

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It was determined that there was a quorum.

**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

December 17, 2012 Regular Meeting

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

**Major Residential Subdivision: Preliminary Plan application**

Low and Moderate Income Housing Act RI General Laws 45-53

“Victory Woods” 50 lot subdivision with public road – AP 30, Lot 2

--off Victory Highway;

Land Owner: Rhode Island Housing and Mortgage Finance Corporation

Applicant: SWAP, Inc.

- Determine application Completeness and schedule Public Hearing

Mr. Scott Spear with Blish and Cavanagh, LLP approached the Board. Mr. Spear explained that he was filling in for Attorney Landry this evening. Also present in the audience were Carla DeStefano of SWAP, Inc., Craig Sutton, of STAND Corporation, and Bruce Hagerman, PE with Crossman Engineering.

Mr. Spear went over the outstanding checklist items noted for discussion as items a. through g. in the memo from the Town Planner. He noted that items a. through d. are all State permits which can be delayed by State Law until after the Preliminary Plan. He noted that these would all be matters that a plan approval would be ‘subject to’. He noted that they are requesting that these be deferred by the Board until Final Plan approval. He explained that most of the paperwork required for the RIDEM applications is ready to be filed.

Mr. Spear noted that items e. and f. have to do with the survey and the topography. He noted that the applicant has proposed to rely on a survey that is about ten years old but they do intend to bring it up to date with the final plan after they have all the approvals in place. He stated that the survey will be brought up to date and will be a Class 1 Survey, and that it will have all of the topography on it, and it will have certification from the engineers, as well, so that it will be in compliance with your Preliminary Plan checklist. He noted they would like the opportunity to defer the preparation of that now so that they can get the Preliminary Plan hearing scheduled.

Regarding the landscaping plan (g.), Mr. Spear was of the opinion that it doesn't make a lot of planning sense to submit it now, because they don't know what the final roadway configuration will look like, and they don't know what RIDEM might do to the plans. He noted that they

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would like to hold off on the landscaping plan until they get a better sense of what the final project will look like.

Mr. Spear stated that they do realize that there is a little bit of risk on the applicant to push some of these things forward, but that they will bear that risk. He noted that if for some reason they have to come back to have the plans amended because something changed so dramatically, they will bear that risk with all of these deferrals.

Mr. Boyer asked if someone was there from Crossman Engineering and sought clarification if they are submitting a Wetlands Edge Verification and a Preliminary Determination. Bruce Hagerman, PE with Crossman Engineering, approached the Board. Mr. Hagerman explained that they are submitting to RIDEM for a Preliminary Determination. Mr. Boyer noted that Mr. Landry's letter stated that they are submitting both, as if they were one and the same. Mr. Hagerman noted that they didn't clarify that before and that they would like to ask for a waiver on the Wetlands Edge Verification. Mr. Hagerman explained that the RIDEM will verify the wetland edges adjacent to the development during the Preliminary Determination, but they will not verify all of the wetland edges on the site. Mr. Boyer clarified that these are two separate applications. Mr. Boyer asked if there was a waiver requested for this in the application. Ms. Paquet noted that it was not in the application. She noted that it is a Master Plan checklist item that doesn't show up on the Preliminary checklist.

Mr. Boyer noted he objects to a deferral of item e., the Class 1 Survey. He noted that aside from the fact that it is around 11 years old, it was done for someone else, the original surveyor is no longer living, the company no longer exists, and that it does not conform to the Town requirement of a "current" survey. He noted that 11 years certainly isn't current, and that a number of things could happen on a property in ten years. Mr. Boyer stated that Mr. Landry's response was that the regulations haven't changed, but that doesn't mean that the land hasn't changed. He noted that they have to do a survey anyway, and that it is part of our Preliminary regulations. Mr. Spear understood. Mr. Boyer noted that, in fact, it could have been done in the past--Mr. Boyer turned to Mr. Ward and asked how long it has been since the application was before the Board. Mr. Ward responded three years since—quite a long time.

Mr. Spear explained that this is a difficult financing project, and that it is very complicated for a non-profit to do this. He noted that they didn't want to invest the money in a Class 1 survey until the project really got some traction. He noted that they are asking to postpone it past the Preliminary Plan. He stated that he doesn't think that there would be any harm, and that if there is a risk, that the applicant would bear that risk. He noted that it is just a matter of timing now to get everything moving. He noted that with the weather, and the way things are right now that trying to get someone out there to get the Class 1 done could be difficult. Mr. Berry noted that it could create a lot of issues if they get started, because it could cost them more in the long run. Mr. Spear noted that they are very comfortable with the original survey and reiterated that they would bear the brunt of any risk. He asked the Board to bend a little bit on this one and allow the applicant to come back. He noted that they will get it done as quickly as they can, and it is not that they want to delay or postpone to the last minute. He noted that it is just a matter of getting the Certificate of Completion so that they can get the hearing date set to get the process going. He stated that they can order up the survey now.

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Chairman Ward noted that there is a problem though, because our regulations do say *current* survey, as far as Preliminary Plan goes. Mr. Spear noted that the lawyers could have a field day with the word 'current.' Mr. Boyer (a professional land surveyor) noted that he called 12 municipalities to find out if they would accept a survey that was 12 years old, and that one out of the 12 said they might take it, but that everyone else said that too much could happen, like adverse possession claims. Mr. Spear understood. Mr. Boyer noted that they would be potentially creating--and would not find out until afterwards-- lots that have inherent problems with them. He noted that the Board tries to avoid any kind of problems and that is why we go through this long tedious process. Mr. Spear noted that they understand and that they were prepared for this discussion. Mr. Boyer clarified that they are not requesting a waiver on the survey. Mr. Spear confirmed this and noted that they just wanted to defer it.

Chairman Ward asked why they are asking for a waiver on the topography. Mr. Hagerman noted it is because it was done by Alpha Associates, not by Crossman Engineering. He noted that they have done some topo out there and that they have resurveyed the area where it intersects with Route 102, and that they have done some topo checks, and they have located the test pits and the wetland flags. He noted that they have checked into it, but that it is not their own work. Mr. Regan asked how old it is. Mr. Hagerman noted he thinks it is the same time period as the survey. Mr. Ward asked if therefore they can't meet the requirement for the Certification (of the topography). Mr. Hagerman noted he thinks the intent is that at the same time they deliver the new Class 1 that they deliver the new topo also. Mr. Boyer asked if Crossman Engineering is going to be doing all the roadway and drainage design, implying that it is based off the old Alpha Associates plan. Mr. Hagerman acknowledged yes, that is the risk that is assumed. Mr. Regan stated they have a lot of test holes and asked if when they spot checked the topo if it lined up pretty good. Mr. Hagerman noted for the most part they lined up pretty well. He noted there are some differences because the original topography was done by aerial and their topo was done on the ground. Mr. Regan asked if the difference was in feet or inches. Mr. Hagerman noted it was in feet in some spots. Mr. Boyer noted a one foot tolerance is the most that would be allowed. Mr. Hagerman agreed but noted that in a wide open area like that it doesn't really affect much if there is a foot difference.

Mr. Ward referred to the Planner's memo regarding the public water and asked whether or not there was any notice given to the abutters for the Health Department hearing. Mr. Spear noted that no notices were sent to the abutters because there weren't any hearings. He noted that the materials that were submitted to the Department of Health were just taken in, reviewed, and approved, and that there was no hearing process or presentation made to them. He noted that all of the records are up there for inspection for anyone in the community that would want to look at them. He noted that this wasn't an expansion of the system, but an upgrade of the system, so the Department of Health did not require a public hearing. Mr. Ward questioned why 50 new homes was not considered an expansion of the system. Mr. Spear noted that nothing is being done to keep things from the public view or from the neighbors to the extent that they were seeking any relief or approvals to tie in. He noted that that is still all wide open for the neighbors to do whatever they need. Mr. Ward asked if the neighbors' ability to tie in was in the submission application to Department of Health. Mr. Spear noted he has never seen it and that he knows very little about it. It was noted that no one was present from PARE Engineering (the firm who prepared the Health application). Mr. Sutton noted he may be able to answer questions about the Department of Health water questions.

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Mr. Craig Sutton from Stand Corporation approached the Board. Mr. Ward asked if provisions were made for the abutters to tie in as far as usage and if that capacity was incorporated into the submission process. Mr. Sutton stated that as far as he knows, yes it was. Mr. Boyer noted that there is no referral to that in the DOH letter. Mr. Sutton noted that there may be referral to that in Aldinger's submission, not necessarily in the approval letter. Mr. Boyer noted that the Board will need documentation for that, and noted that it was part of the court decision that that be done.

Mr. Ward asked if when they submitted if there was any notice saying that the application was submitted. Mr. Sutton noted that he doesn't think it was required by DOH. He noted that it was submitted by Aldinger and approved per DOH requirements for an alteration to the system.

Mr. Spear read from the Consent Order item regarding the Water Connections, and noted that that process is still in play now and that nothing has been done to jeopardize the neighbors' rights to do that. Mr. Ward stated he was referring to the very last sentence from that section, and read, "The Town of West Greenwich and Blueberry Heights, Incorporated shall be provided with notice of and be allowed to participate at their expense in the DOH review and any associated hearing process regarding the approval of the expansion of the water system. Mr. Spear stated that there hasn't been any hearing process, and that the system, technically, from DOH's perspective, has not been an expansion. He noted that the neighbors can continue to participate in that process and if they want to have copies of the materials that were filed, the applicant can certainly get copies for them. Mr. Boyer noted that the issue is that if the Department of Health permit has already been issued, and if the abutters have a desire to tie in, if those volumes were not considered, and if that affects the dynamics of that approval. Mr. Spear noted that he doesn't know but that they will make a note to make sure that they have that information available at the Preliminary Plan hearing. Mr. Sutton noted that he believes that they were included.

Mr. Boyer referred to the waiver application item C.9. for the lighting plan. Mr. Boyer noted there were discussions at previous meetings and the affect the lighting would have on the abutters on Route 102. Mr. Boyer continued with item C.10. on the wavier application for the signage plan. He asked if there won't be any sign at the entrance. Ms. DeStefano stated that there will be a sign. Mr. Boyer stated, "Then the Board needs a proposed signage plan." It was pointed out that the applicant requested a waiver for this. Mr. Spear noted that it needs to be changed to a deferral. Ms. DeStefano noted it will be part of the landscape plan. Mr. Boyer explained that the Board is going over the checklist right now and that SWAP asked for a waiver for that item on the checklist and that he is trying to clarify this.

Mr. Boyer continued to go over the items requested in the waiver application and compare them to the notations on the Preliminary Plan checklist. He noted that item C.16 is not applicable, and that it doesn't need a waiver. He noted that item C. 21 is the open space plan, which is notated as 'pending' on the checklist. He noted that item D. 14 requiring draft copies of legal documents is noted as pending as well.

Mr. Ward went over the items on the Preliminary Plan checklist and asked Mr. Spear about item A.2 for the names and addresses of all property owners and applicants, and why there is notation

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on the checklist that it 'can be provided upon special request and upon their approval.' Mr. Spear took a look at the checklist and noted that he doesn't know if there are any confidentiality issues with the folks at Rhode Island Housing, but that they can look into it and put together a list. He noted that he doesn't see any problem with it and that he has a feeling that someone put that in there for the sake of moving it along. It was noted that this requirement applies to the owners of the property and to SWAP.

Mr. Boyer continued to compare the wavier application to the submitted Preliminary Plan checklist. Mr. Boyer pointed out to Mr. Ward that the applicant didn't ask for a waiver on the topography. Mr. Ward asked Mr. Boyer if they are asking for a deferral. Mr. Boyer replied no. Mr. Boyer noted that they did not ask for a waiver from the landscape plan, which they put 'N/A' on the checklist, or for the topography or the survey. He noted that the topography and the survey are not listed on the waiver application. Mr. Berry pointed out that item C 22 for the proposed boulder burial is listed as N/A , but that it needs to be on the plan.

Mr. Spear noted that there shouldn't be any problem getting those names (for checklist item A 2). Ms. DeStefano, Director of SWAP noted it wasn't included because they thought it pertained to a private corporation. Mr. Spear noted that they will take care of it.

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

It was noted that the application fees were waived as part of the Consent Order.

Mr. Spear noted that they have no objection to the engineering fee for Mr. Cotta. He noted that they have reviewed his estimate and found the fee to be reasonable. The Board discussed this. Mr. Berry asked what if there was the need for a third or fourth meeting. Mr. Spear stated that if the bill goes up for a third meeting, it is what it is, and the applicant will just have to pay it.

The Board then entertained a **Motion** to approve American Engineering as the Town's consultant and to approve the Scope of Work as noted in items 2 and 3 in the Planner's memo. Berry-Regan (5-0).

There was continued discussion on the checklist items and what is required, what can be deferred and to when, and what can be waived. The Board noted that the applicant has stipulated it will supply the names (A.2.).

There was discussion on the applicants request to defer the landscaping plan, lighting plan, and the sign plan. Mr. Berry expressed concern about the landscape plan and noted it is needed for the Preliminary review. Mr. Spear noted that they will do it before Final, and that the issue is one of timing and coordinating the engineering to the landscaping plan. He noted that maybe they can submit it earlier.

Mrs. Letendre explained the process between the Preliminary and Final plan review. She explained that Final plan approval only occurs after the infrastructure has been built. She noted that there has to be a point in time where all of these things, including the landscaping, get reviewed by this Board prior to it being constructed, which is prior to final plan submission. Mr.

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Spear noted that they can set a special hearing date for all of these deferred items and bring them back, assuming that the items can't get done during the Preliminary Plan process. Mr. Berry noted that that is what the Preliminary Plan is for—to go over the landscaping plan and the surveys and to make sure that all the engineering is done correctly so that the project gets done correctly. Mr. Berry expressed concern that he doesn't see how the Board can proceed without having all that information. Mr. Spear explained that what he is trying to get everyone to buy into is the idea that when the Preliminary Plan is submitted to the Board without having the State approvals in hand yet, that they don't know what the State may be doing to massage the plans which could impact these items like the landscaping plan, the lighting and the signage, which aren't really big deal items. He noted it would make a lot more sense to wait until these approvals are in hand, and then have the architect be able to work off of a better picture.

There was discussion. Mr. Sutton noted that they had the landscaping plan close to being done, but that they held back on it because they were looking at the storm drainage and waiting on an approval from RIDEM. He noted that they can submit it if the Board wants the Landscaping plan for Preliminary. He noted that there really is no lighting, except at the roadway entrance. The Board noted that they would like to see that, too. Mr. Ward noted that the Board may limit the wattage that can be on the residential units. Mr. Spear noted that they will get these things in. Mr. Sutton stated that they can generate that before Preliminary, if need be.

Mr. Ward asked about items B 8 for the topography and B 15 for the Class 1 survey. He recapped that these items have not been submitted and asked if the applicant is asking for a deferral on these items. It was indicated that they were. Mr. Boyer asked if Crossman Engineering is comfortable and is going to do their whole design based on the topography that was given to them. Mr. Hagerman noted that that is what they have done, and noted that it is the applicant's risk. Mr. Boyer noted that the Board would have to grant them the waiver for not having the Certification that is required by the regulations. Mr. Boyer noted that it is at Crossman Engineering's risk as well. Mr. Hagerman explained that they have checked into the boundary and the geometry and have located some of the monumentation in the field and noted that they are comfortable with the geometry of it. He noted that they have not completed the title search. Mr. Boyer noted that a Class 1 survey would show if there are any other easements that don't show up on this, which may create issues with the design for the lots, the drainage, and the roadways. He noted that is why 12 years is much too long. Mr. Hagerman noted that he thinks there is an understanding between everyone that there is a risk there. Mr. Boyer noted that the Town doesn't want to be in that position, where the finger gets pointed very easily and people flood the Town Council meeting and start asking, 'how did you let this happen?' He stated it is not good practice. Mrs. Letendre explained that everyone understands that Mr. Boyer has a certain expertise in this area.

The Board continued to go over the checklist. Mr. O'Loughlin asked about the note on the checklist that states 'special project signage is not proposed,' and asked if there is or isn't going to be a sign. It was noted that there will be one permanent entrance sign at the roadway, and that it will be on the landscape plan.

Mr. Boyer asked if the Base Flood Elevation was updated on the plan. Mr. Hagerman noted they would have to verify that.

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Mr. Ward asked about item C. 21 for the open space use plan, and if the 'Pending' note means a deferral. Mr. Spear stated it would be a deferral. Mr. Bryan asked, "A deferral until when?" Mr. Spear stated before final plan. Mr. Ward asked if that is before construction. Mr. Spear stated yes. Mr. Berry asked if 'before final' means 'before construction.' Mr. Sutton noted that they are looking for a deferral on that until the formation of the Homeowner's association and the legal documents are done. Mr. Spear noted that the documents are usually brought in at Final plan stage and noted that in the Homeowner's Association, language will be inserted dictating what can be done on the open space. There was discussion. Mr. Bryan explained that usually the developer has an intent for the use of the space and that it is reviewed by the Board, and then it is a requirement that the property owners and members of the Homeowner's Association have to abide by that. Mr. Spear stated that they can satisfy that just by submitting a piece of paper saying the intended use of the open space would be for passive recreational purposes, and asked if that is all the Board is looking for at this stage. There was discussion. Mr. Bryan noted that the plan shows a path through the open space and asked if that is the extent of the intended use. Mr. Ward noted that this is due before construction. Mr. Spear stated that is fine.

There was discussion on item 22 for the Boulder Burial areas. Mrs. Letendre asked why this is marked as 'not applicable.' Mr. Ward noted that they would want some area designated. Mr. Sutton noted they will not bury stumps, but that boulders may be processed on site and reused and/or taken off site. Mr. Ward clarified if there will be absolutely no burial of boulders or stumps. Mr. Sutton confirmed this. It was noted that there needs to be a note on the plan, and Mr. Hagerman noted that they can add this note. The Board noted that it needs to be on the Preliminary Plan.

There was discussion on the location of the fire suppression. Mr. Hagerman pointed out the locations of the two cisterns on the plans. It was noted that these will need to be approved by the Fire Marshall. Mr. Spear noted that they will address this at Preliminary. It was noted that this was item C. 23.

Mrs. Letendre brought up item C. 24 for 'any other items' required, and noted that Low-Mod Act requires a time-table for commencement of construction and completion of the project. She noted that a basic narrative for that would be helpful, particularly since it is a question that typically comes up during the public hearing process. Mr. Spear stated they can get that submitted for Preliminary. Mrs. Letendre noted that the State law also requires a sample deed restriction, and noted this could be due at Final. She noted that a financial pro-forma is also required by State Law. She noted that if one was submitted with the Master Plan, that it was so long ago that they have probably made other considerations, and asked for this to be provided at Preliminary.

Mrs. Letendre referred to the applications to RIDEM and asked if it was mentioned that these applications are in the works and should be forthcoming. Mr. Spear asked Mr. Hagerman to respond. Mr. Hagerman noted that the application is ready to submit, but that they were holding off until after this hearing. Mrs. Letendre noted that this Board's local regulations also ask for proof of those applications, though it is not entitled to actually having the state permit in hand. She asked to submit proof of that application to the Board. Mr. Hagerman noted that they were planning on providing a copy of it to the Board, and that they were going to give the Board a whole new set of Preliminary plans because the plans have been updated. Mrs. Letendre

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discussed her understanding of the intent of the new Low Mod law is that it was meant so that the two could occur simultaneously so that the applicant wouldn't be stuck waiting for RIDEM for 9 months to a year before they can make application for Preliminary. She asked that they provide proof of a copy of that application.

Mr. Ward continued with the checklist and noted that items D 1 and D 2 have been resolved. He noted that D.5 is marked as N/A, asked if the applicant intends for this to be deferred. Mr. Spear stated that it is a deferral. Mr. Ward clarified if this is a deferral to prior to construction. Mr. Spear stated yes. It was noted that they are looking to a deferral on item D. 5 for the wetlands permit until prior to construction.

Mr. Ward noted that item D. 6 refers to Kent County Water, but that he knows this project needs a Health Department approval. Mr. Spear noted this project is with Department of Health and that this item is not applicable.

Mr. Ward noted item D. 7 for the Physical Alteration Permit is marked as 'N/A.' Mr. Spear stated that it is ready to file, and that it is a deferral. Mrs. Letendre asked to provide a copy of the application. Mr. Spear stated that they can move that along very quickly.

Mr. Ward asked about item D. 10 regarding the Subdivision Suitability Determination by RIDEM. Mr. Hagerman noted that they are applying at the same time for all the permits at once.

Mr. Ward noted item D. 11, for copies of all permits (marked as N/A), is also deferred.

Mr. Ward questioned why item D. 12 is marked 'N/A' for the names and addresses of the abutters. Mr. Hagerman noted that it is already done. Mrs. Letendre explained that it needs to be submitted along with the application so that notice can be sent. She acknowledged that Mr. Landry's letter stated that they were holding off on doing that until they knew when the public hearing was going to be, in case there were any changes. She noted that at this point, the Board needs to have this now for the abutter's notice. She noted that the Certified receipts are usually provided at the hearing.

Mr. Ward noted that item D 14 for the legal documents is notated with an asterisk as 'pending.' Mrs. Letendre stated this can be submitted with the Final plan application.

Mr. Ward asked if Mr. Spear has any other comments. Mr. Spear stated no.

Mr. Ward opened the meeting to comment from the audience, and noted that it is not a public hearing.

Mr. Bill Miller, Weaver Hill Road, noted he doesn't understand what is going on and asked who the applicant is. The Board replied that it is SWAP. Mr. Miller asked who is responsible for fulfilling these obligations. Mr. Spear responded that it is SWAP. Mr. Miller expressed concern that he couldn't come to this Board with an application like this, because it is incomplete. He noted that this applicant is asking for an awful lot from this Board. He noted that contractors and developers have to put money out front to get these things done so that the Board can make a legitimate approval or denial of the application. He expressed concern that by allowing the

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application to move forward without these items, that it is putting a lot of pressure on the Board. Mr. Ward acknowledged Mr. Miller's concerns.

Chairman Ward entertained discussion from the Board. He stated that he has genuine concerns over the degree of the deferrals, not all of them, but the main ones being the survey and the lack of certification for the topography. Mr. Ward stated that these are critical aspects that the Board bases their decision on. He stated that he doesn't mind cooperating to a certain degree in deferring on some items, but that he thinks they are being asked to defer way too much, and that there has been plenty of time for these aspects to already have been addressed before this submission and before this meeting.

Mr. Boyer stated he agrees with Mr. Ward. He stated that historically, the Board makes the applicant submit all the necessary documents, and then at Final, they may allow some items to be done administratively, such as minor housekeeping items—not engineer design, landscaping design, survey, or topography. He noted that if the Board decides to give a waiver for the certification on the topo, he noted it is a risk for the applicant, but also that Crossman Engineering's name is going to be on it and it is going to be their design. He questioned the necessity of all the deferrals. He noted it has been a long time since the last time the Board has seen this applicant. He noted that the checklist hasn't changed and that the survey has been required, and everything that the Board has gone over has been required as part of the Preliminary application. He expressed concern that it is putting the Board in a very bad spot and that he doesn't feel comfortable granting all the waivers and all the deferments, and that he doesn't see why the Board would grant this.

Mr. Berry stated he would reiterate everything that's been said. Mr. Boyer noted that these aren't just minor things, but that they are all part of the planning and development process that needs to be done in the right order, and that he thinks that is the Board getting way ahead of ourselves if the Board were to grant these things.

Ms. DeStefano asked which items are considered minor requests for deferral and which are more major items from the list. Mr. Spear stated that he thinks the only one that we are really hung up on for sure is the survey, and that the topo might still be up in the air. Mr. Boyer noted it is the survey, the landscape architect plan, the signage... Mr. Berry interjected and noted that they came to an agreement that they would submit the landscape plan for Preliminary with the signage. Mr. Ward stated to show the Board at least that you've applied for the State permits, and that we realize that you don't have to have them in hand to come to the Board. There was discussion. Mrs. Letendre asked the Board if the Class 1 Survey and the topography are needed now. The Board noted items B 8 and B 15 (the survey and the topo) are required now. Mrs. Letendre noted that there are some items that the applicant already said that they are going to provide. She noted the applicant is going to provide items C 8, 9, 10, and 15, which are landscaping, lighting, signage, and street trees; and that these are going to be based on the RIDEM application, which the applicant is also going to provide copies of. Mrs. Letendre noted that the applicant is going to submit the PAP application and the DEM application and that they are going to provide the Board with copies. She noted that these are the items that are required for completeness. Mr. Berry included item C. 24 for the time-table for construction and the pro-forma. Mrs. Letendre noted that the sample deed restriction can be deferred to Final. Mr. Berry noted that item C. 22, the boulders note, is going to be added to the Preliminary plan. Mrs.

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Letendre noted that they are going to provide D. 12 for the abutters list, and item A. 2, the owners names.

There was discussion on a motion. Mr. Boyer sought clarification on what is being requested with regard for the topography. He asked the applicant if they are asking for a waiver on the certification for the topography. Mr. Hagerman noted that a deferral is requested. Mr. Berry asked Mr. Boyer that he thought the Board was going to require this now. Mr. Boyer noted that the applicant hasn't made a request for a waiver or a deferral as part of the application. Mrs. Letendre noted that it was checked off on the checklist as if it had been submitted. Mrs. Letendre explained that part of the completeness process is going through and seeing what was supplied, and making sure it is satisfactory.

The Board then entertained a **Motion** to deem the application incomplete based on the items that were discussed that were not incorporated into the Preliminary submittal. Boyer-Berry. (5-0)

It was noted that a list of the items will be sent out to the applicant.

This matter was concluded.

**Minor Development Plan: Preliminary Plan**

"Roch's Fresh Food" -- AP 49, Lot 4-2

--at 865 Victory Highway (access off Arnold Farm Road); Zoning: Highway Business  
Redevelopment of old Coca-Cola warehouse and distribution site into Produce warehousing, washing, chopping, and distribution.

Owner /Applicant: Roch's Fresh Food West Greenwich, Inc. (Ray Roch)

Mr. Timothy Behan, PE with TJB Engineering, approached the Board. Mr. Ray Roch was present in the audience.

Mr. Behan gave an overview of the location and zoning of the parcel, and described the site and the surrounding area. He noted it is the old Coca-Cola warehouse and that it is going to be utilized by Rochs Fresh Food to distribute fruits and vegetables to the restaurants and schools in our area. He described the existing building on the site and the existing features.

Mr. Behan noted that Mr. Roch went to the Zoning Board about a year ago and was granted an approval. He noted that at that time there was going to be little to no site improvements made. He noted that since that time, Mr. Roch upgraded the septic system, which has already been approved and installed. Mr. Behan noted that Mr. Roch performed some site clearing and described the tree line change. He noted that Mr. Roch had to put in a public well to service the facilities that deal food, and noted that it was approved by the Department of Health. It was noted that it is a 200 foot radius, and that there was a variance for the area that is off the property.

Mr. Behan noted that the existing pavement edges are going to remain the same. He noted that when the septic system was installed that a gravel road was made around the whole complex. He noted that the Department of Health would not support this and asked them to have it removed from the protective radius. It was noted that it has not been removed yet, but it has been taken

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off the plan and the application. He noted that this plan has to go back to the Department of Health for re-review. Mr. Berry asked about fire access if the gravel road is being removed. Mr. Behan noted that the hoses should be no longer than 150 feet to wrap around the building and that it still meets the fire code. He noted that the revised prints will need to go to the fire marshal to get re-affirmation.

Mr. Behan noted that the Department of Health also asked them to move the proposed dumpster from that side of the building, so they moved it to the other side, but lost 2 parking spaces. He noted that to make that up they added some gravel parking in another spot. He noted that the Zoning Ordinance requires 31 parking spaces and that they have provided 39. He noted that 15 of those are for the Rochs trucks, which are slightly larger than a normal passenger vehicle. He explained that these 15 trucks are typically out making deliveries during the day. He noted that they are mostly there at night time, when the workers on site go home. He noted that they are comfortable with the parking arrangement here. He noted that they are still utilizing the existing parking, which comes right off the street pavement and parks right in front of the buildings, so they don't have the 10 foot landscape buffer between the parking and the roadway in that location.

Mr. Behan noted that there is no new pavement, but that there will be a gravel road and a new gravel parking area, and noted that there will be a slight increase in stormwater runoff and water quality treatment. He noted that they are proposing some bio-retention rain gardens in a few locations to capture the runoff and treat it before it flows off-site.

Mr. Behan noted the cardboard compactor and that RI Department of Health is fine with it as long as they put an asphalt berm around it in case one of the hydraulic hoses ruptures.

Mr. Behan noted a lot of the lighting was existing and has been replaced, but that it is not fully shielded. He noted that they will agree to the Town rule to place them in a downward motion and shield them.

Mr. Berry asked if the dumpster is screened or fenced in. Mr. Behan noted the dumpster was moved to an area where there was a curbed landscape area, and noted that they can plant some evergreen shrubs inside it to screen it.

Mr. Behan noted he will get the drainage calculations to the Town's consulting engineer for review, and that they will file the RIDEM permit to cover both RIPDES and Wetlands.

Mr. Behan pointed out the new fence and the outdoor equipment for the freezers and concrete pads.

Mr. Ward asked if any expansion is planned at this time for the building. Mr. Behan noted that there are no additions to the building, and explained that everything was internal and they put the refrigeration units and freezers inside. He noted that the outside is pretty minor, with the gravel road and septic system replacement.

Mr. Behan passed out photos of the banner sign that was put on the side of the building, and some other views that show other features like the cardboard compactor.

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The Board had some questions. Mr. Roch noted he plans on applying for a permit for a more professional, permanent sign. The Board noted he will need to get a permit for it.

Mr. Roch noted he had replaced all the lighting that was there with LED lights, but that he could remove some if needed. He noted that he already had the electrician put them down a notch.

Mrs. Letendre asked what the hours are. Mr. Roch explained that in West Warwick they run 24/7, but that with this bigger facility, they plan on being able to eliminate a shift. He noted that they plan on maybe midnight to 7 p.m., closing from 7 p.m. to midnight. He noted that some of the shifts will be very limited, with 3 people there selecting orders. He explained that they prepare orders for the next day.

Mrs. Letendre asked when the parking spaces in front of the building would be filled. Mr. Roch noted they would be filled from 7 a.m. to 4 p.m. with his employees. He noted it is very industrial looking and that he is going to be inviting customers to the building and that they are going to dress it up with a landscape plan to soften and beautify the area.

Mr. Boyer asked if those parking spaces were there when Coca-cola was operating. It was noted that they were. Mr. Bryan noted it is the dead-end of the cul-de-sac. Mr. Behan noted that there are 17 spots there in the front.

There was discussion on the photos.

Mr. Boyer asked about the loading operation. Mr. Roch noted that the loading is done outside the building. He noted that the forklifts will stay inside the building. He noted that most of his loading is by the case, and that they don't load too many pallets out for shipment. He explained that for most of his pallets, they back the truck into the loading dock, which acts as a transfer station for the fork lift and the pallet jacks. He explained that his trucks are so small that the forklift is too big to go into the small truck. Mr. Boyer noted that his concern would be for any nearby houses if they are operating the backup from midnight to 7. Mr. Roch noted that he doesn't think this is going to be an issue. He explained that they stage the order and leave it inside in the refrigeration, and then the drivers come in at 6 a.m. to load the trucks. He noted that the loading dock has a nice seal when the truck backs in. It was noted that the truck stop is next door.

There was discussion on the draft decision. Mr. Behan noted that they are in agreement with all of the recommendations from the Town Planner and the stipulations. Mr. Boyer asked about the topo survey. Mr. Behan noted that it was done in the spring of 2012. Mr. Boyer asked about the drainage calculations. Mr. Behan noted that they are being sent to RIDEM wetlands and they are in accordance with current regulations. Mr. Boyer asked about the Class 1 survey. Mr. Behan noted that it is a requirement. Mr. Boyer asked if the lot was surveyed when the road was made public. Mr. Gary Studley, in the audience, noted that all of their property was surveyed and that there were no problems or discrepancies with the property lines that they know of. Chairman Ward noted that this application is different than the first agenda item, since this site is an existing complex and is already under operation based on Zoning Board approval. He noted that

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there can be a conditional approval with having the survey being submitted administratively. Mr. Boyer noted that there is a major difference between this and the last application.

Mr. Gary Studley, in the audience, noted that he owns the property all around this site. He noted for the record that he granted no easement for any well onto his property. He explained that they may show it there, but that the 200 foot radius is not included onto his property because there was a waiver granted by the Department of Health for the short distances. He noted that it does not include his land. He asserted that when he goes to do something with his property that it will have no effect. Mr. Boyer noted that when they go to do something, maybe it won't in his mind, but in the State's mind it will, and they can have that battle with the State. Mr. Boyer asked if the property to the east is a wetland. It was noted that it was. Mr. Boyer stated that then it is a moot point. Mr. Studley noted that there is an area by the cul-de-sac that is not a wetland. Mr. Boyer noted on the side in that area where the biggest portion of the well buffer is, that his point is that it is all a wetland in that area, and that they are not losing anything because it is a wetland. He wanted Mr. Studley to understand that if he goes to do something on his property, that by his saying that there is nothing there won't cut it with the state, and that it has nothing to do with this board.

Mr. Studley noted that the description of what the building was used for in the beginning when it was approved through the zoning board was for warehouse and distribution. He noted that what the applicant's engineer isn't saying is that it is now going to be for processing of food. He noted that this is the reason for the increase in the septic system, and that is the reason for the public well, which is fine. He noted that he doesn't agree with the amount of employees, and that no one is saying how many employees are going to be there, and at what hours. He noted that he doesn't think there is enough adequate parking, and that he doesn't want parking in the cul-de-sac or in the street. Mr. Boyer noted that he doesn't think that would be allowed. Mr. Studley noted that there are large trucks that are going to be coming in with the vegetables--18-wheelers—and that he doesn't see where they can have that in the end of the building. He noted it is 15 trucks, and 20 or 30 employees, and that he doesn't think there is enough room. Mr. Boyer asked Mr. Behan what size the sanitary system was designed for on the number of employees. Mr. Behan noted there are two systems out there, and explained that he separated the food areas because each of the rooms in the facility has a floor drain. He noted that all the food drains and the sinks for washing fruits and vegetables goes into a septic system which is separate from the toilet waste. He noted that the other system is sized for 24 employees. Mr. Boyer asked, to make his point, at peak, the most per day, how many employees will be working there. Mr. Roch stated, that right now, approximately 25, total. Mr. Boyer asked how many people per shift. Mr. Rock stated that there wouldn't be more than 25 people there per shift, and that they plan on trying to just run one shift. Mr. Boyer asked if the parking meets the Town's requirements, and noted that we had this issue with parking for Dan's Place. Mr. Behan noted that the Town's requirement is 31, and that they are showing 39. Mr. Boyer noted Mr. Studley brought up a valid point, and that he is trying to clarify this. Mr. Studley noted that this doesn't include the 18-wheelers bringing the product in. Mr. Behan noted there is a loading dock, and they would pull into the loading dock. Mr. Studley asked where the 15 trucks are going to be. Mr. Behan noted they are out on the streets. Mr. Studley noted they wouldn't be all the time. Chairman Ward asked Mr. Roch to explain. Mr. Roch noted that for the 18-wheelers, they would typically unload one, maybe two per day, and that they are in and out in an hour and a half and gone. He noted that there are no 18-wheelers on site at any given time for long term

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parking. He noted that if for some reason they came in at 8 a.m. and they had to delay them an hour, that he would send them to the truck stop for an hour and call them to come back. He noted it is something that would last no longer than an hour, two hours maximum, to unload a full 18-wheeler, especially with this new facility and how efficient it is. He noted that they would back them in and out in West Warwick once a day, and it is very difficult with the traffic flying by, and noted that this site is not going to be an issue. Mr. Ward asked if there is any interference with the 15 trucks for deliveries. Mr. Roch noted that there was not. Mr. Ward asked if of the 39 spaces, if 15 of them were taken up by the trucks. Mr. Behan noted that it is the calculation, and explained that by the ordinance, they needed 15 for trucks and 16 for employees, because every 3 employees needs 2 parking spots. Mr. Roch noted that he has 5 drivers that take trucks home at night. Chairman Ward noted that the parking requirements are dictated in the Zoning, and that the Board can't enforce regulations that they don't have jurisdiction over, but that they want to make sure that all the concerns of the residents are addressed.

Mr. Bill Miller, Weaver Hill Road, note he is here to help out the Studleys with what is going on with the site plan review. He noted that when the Zoning Board approved it, it was supposed to be based on legal parking spots, and noted that these aren't legal parking spots. He noted that under site plan review, you have to make sure that the parking that is approved is legal and meets the code. He noted that you can't back out onto a street. He noted that all the parking in front backs out onto the street. He noted that the Studleys have plans to develop, and that by people backing out onto the road, and whatever the Studleys propose to put further down the road, or continue the existing road further, these people are going to park there and back out onto the road at certain times of the day, like at shift changes.

Mr. Boyer asked Mrs. Letendre if the Zoning Board approved this use based on this plan. Ms. Paquet explained that there was no plan when the application went to the Zoning Board, and that it was just for the use. Mr. Ward asked how big the parking spots are. Mr. Behan noted they are standard size 9 by 18, and confirmed that they back up into the road. Mr. Ward clarified if these were existing parking spaces. Mr. Behan noted that it's always been there. Mrs. Letendre noted that the site is non-conforming as to parking and noted that the number of parking spaces, which is based on the number of employees, that they would be grandfathered with the 17 that are there, and that the Zoning Board would only be considering how many additional parking spaces they would need. She noted that according to the Planner's memo, this is because the road at one time was private. She noted it is now a public road, and that if there was more room there, that they could try to address it. She noted that the alternative would be to go to the zoning Board to ask for a variance to remove some of the spaces, and maybe they can be redesigned to another side of the building if there is room. Mr. Boyer asked if this was ever brought up as an issue when this went from a private to a public road, because that is when it should have been addressed. Ms. Paquet noted it did not come up.

Mr. Miller noted that when Coca-cola went in there, the Studleys still owned and were involved, and noted that they pretty much could do whatever they wanted because it was a right-of-way, but that nobody thought of the future uses of the land around it because it was just Coke and the Studleys. He noted that now the Studleys are gearing up to do a proposal in there, and when Coke was there, there was no problem. He noted that Coke would park their trailer trucks—and they even marked parking spaces—on the right-of-way. He noted that they marked out parking

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spaces for the trailer trucks and that they would load and stage them right on the road, up until the time when they sold it about a year or two ago. He noted that Coke never came to the Studleys even though they had a right-of-way to get in there, and noted they never came to them when they started parking trucks on the road. He noted that the Studleys didn't want to cause a problem so they allowed it to happen. He noted that now, they are concerned, because they want to use their land further down, and actually are proposing to extend the road. He asked if there are going to be trailer trucks parked there in the middle of the night.

Mr. Ward noted that there is a legal, non-conforming issue here with regard to the parking and it is an existing condition. He noted that they purchased the building that way.

Mr. Gary Studley noted that he understands what was approved in the beginning, but wants the Board to understand that the use has changed and that there are more employees than when Coke was there. He noted that the 17 spots along the building was just right for them. He noted that they had one bathroom and a little septic system, and now they are going from 16 to 35 or 40 employees. Mr. Boyer asked where that number comes from. Mr. Studley noted that by taking away the use of the building on the end where the well is, there is less parking lot and an increase in use and a change of use. Mr. Ward noted that the application before the Board says 25 employees, not 35 or 40. Mr. Studley asked what they do if there is more. Mr. Ward noted that if he gets more then he will have to accommodate more parking for his employees at that point in time. Mr. O'Loughlin explained that basically what will have to happen is what happened at Dan's Place. He explained that all the parking was going on Barnett Lane, and he expanded his parking lot to get all the cars off the road. Mr. O'Loughlin noted that if down the road this becomes an issue with parking on the road or in the cul-de-sac, and the Board finds out about it.... Mr. Studley asked if there is an area on this plan where there is more available room for additional parking. Mr. Ward noted if he is restricted to 25 employees then he is restricted, and if that means he has to buy more land off Mr. Studley, then so be it.

Mr. Miller noted they went to the hearing for the public well, and noted that there were statements made there concerning the employees. He noted it was said that there would be 25. He noted that when they went to the Zoning Board he was in favor of it and thought it was a good use it, but it was not talked about an increase in employees, and it was not talked about processing, but it was storage and delivery. He noted that things have changed since then and these are the issues and this is why they are here. He noted that when they went to the public hearing on the well, they wanted to make sure that there was no encroachment of the public well requirements onto their land. He noted that they (Department of Health) dealt with it and gave them a waiver, so they are not encroaching with the well. He noted that the issue that has come up since then was drainage and asked if this was resolved. Mr. Behan noted that Department of Health told them not to put the road in there. He noted that there is no retention pond proposed in the well area right now, and that they have a little pond outside the setback, which still has to go back to the Department of Health for approval. Mr. Berry noted this is a condition of approval.

There was discussion. Mr. Miller asked for a site lighting plan by a professional so that it doesn't go over onto their land. He noted that he wants to make sure that he can handle his employees on his own land and the traffic from his employees or the trailer trucks or his delivery trucks, so they don't flood over onto the road and affect the traffic on the road. Mr. Ward asked

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Mr. Roch if he agrees that he has no intention of having his traffic overflow onto the road. Mr. Roch noted that is correct and that he is fully aware that he is being watched and that as soon as he starts to do something like that that he is going to get a phone call. Mr. Ward asked if there will be no trailer trucks overnight in the parking lot. Mr. Roch noted that this was correct and that the easy answer to that is to send them over to the truck stop. Mr. Ward asked about the lighting plan and asked Mr. Roch if he can get a design for review by a lighting design professional to reduce lighting going over the property lines, so that it lights up his parking lot to the degree that he needs it, but not essentially pollute the abutting properties.

Mr. Ward entertained discussion and a motion incorporating stipulations of no overnight tractor trailer truck storage, parking limited to the site, professional lighting plan, and landscaping plan to enhance the building.

**Motion** to approve the preliminary plan entitled, "Roch's Fresh Food," for the property located at AP 49, Lot 4-2, prepared by TJB Engineering, LLC, prepared for Roch's Fresh Food West Greenwich, Inc., and dated January 2013. This approval is granted upon completion of the following conditions:

1. Class 1 Survey
2. Lighting plan be developed by a licensed professional \*shall be shielded with retrofits or replaced with appropriate light fixtures.
3. Receive approval from RI Dept. of Health for the drainage location and complete the calculations and final design for review and approval by the Town's consulting engineer.
4. Obtain approval from RIDEM for RIPDES or Wetlands
5. A Stormwater Maintenance Agreement shall be signed and recorded for the drainage system
6. A Landscaping Plan by a Landscape Architect shall be submitted
7. 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, treeline, and grading.
8. The site work shall be completed by June 30, 2013, or come back to the Board for an extension.
9. Any further development of the site shall evaluate possible retrofits to incorporate defined curb- cuts and parking lot buffer landscaping.
10. Failure to obtain approval for the Development Plan within one year from this date shall be a violation of the Land Development and Subdivision Regulations and shall be enforced as such.
11. There shall be no overnight tractor trailer parking on site.

This motion is based on the following findings of fact:

1. That with the proposed conditions, the plan will conform to the site plan requirements of the Zoning Ordinance and the Land Development and Subdivision Regulations, or has satisfactorily addressed the issues where there may be inconsistencies.
2. That with the proposed conditions the proposed project and development plan meets the general criteria and standards for Development Plan Review, specifically pertaining to lighting, waste disposal, surface water drainage, and on-site parking and circulation. The site drainage is designed to accommodate for the net increase in runoff
3. That the site egress and ingress, and parking lot are existing, and no substantial change in traffic is anticipated.

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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.

Boyer-O'Loughlin. There was discussion. Mr. Bryan asked if signage should be included in the motion. Mr. Ward noted that the signage needs to comply with the zoning ordinance and as long as the color scheme stays the same it will be fine, and added that the lighting should be by a lighting design professional, not say licensed. Mr. Boyer amended his motion. Seconded by Berry. No further discussion. All in favor (5-0).

Motion to adjourn. Boyer- Regan (5-0). The meeting ended at 9:02 p.m.

**WEST GREENWICH**  
**March 18, 2013**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, March 13, 2013. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:02 p.m.), Secretary Tim Regan, Mark Boyer, and David Berry. Alternate Bill Bryan was absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:01 p.m.

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It was determined that there was a quorum.  
Mr. O'Loughlin arrived at 7:02 p.m.

**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

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Mr. Boyer noted to add on page 2, third paragraph, the fact that the company no longer exists who did the survey. Mr. Ward noted to add the clarifying word 'topographic' when referring to the certification on page 3, paragraph two.

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

**Minor Residential Subdivision: Pre-Application Plan and Waiver Request**

"Branca Plat" AP 60, Lot 5-2

--at 990 Hopkins Hill Road

Two lot subdivision with existing home; waiver request on minimum suitable land requirement

Owner /Applicant: Robert T. & Lauren T. Branca

-Preparation for Public Hearing on Waiver Request

Mr. Michael McCormick, PLS with Alpha Associates, Ltd approached the Board. Mr. and Mrs. Branca were present in the audience.

Mr. McCormick explained the location of the site and existing structures. He noted the parcel is 4 acres and there is a small wetland complex in the rear of the property. He noted that the applicant is seeking a waiver for the two acres of upland on the lot, and gave some back history of the application. He discussed the subdivision history of the parcel from 2004 and the RIDEM rules at the time for watertables. He noted that in 2008 when RIDEM rules allowed 18" watertables with advanced treatment, the Town changed their regulations from 1.4 acres to 2 acres of suitable land. He noted that both lots meet the 1.4 acres of contiguous upland. He noted that if the lots were 200 feet deeper, it would meet the regulation and would not look any different than what is being proposed. He explained that going back in time, they did not meet the DEM regulations, but they met the Town's regulations, and now, they meet DEM regulations, but not the Town regulations. He noted that they were waiting for the DEM changes which were a long time coming and were delayed for a long time.

The Board expressed concern of setting a precedent. Mrs. Letendre noted that each parcel is taken on its own merits. Mr. O'Loughlin asked if there needed to be a hardship. Mrs. Letendre noted that is only for zoning. Mr. Berry read the criteria for a waiver. The Board discussed

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requirements for the public hearing. There was discussion on stormwater runoff. The Board noted the following items that will be required for the public hearing:

1. OWTS permit
2. Flag the wetland
3. Address that they will not adversely affect any drainage to the road coming off the lot
4. Address roof runoff, drainage, and grading
5. Show the wetland monuments

**Community Development Block Grant Program (CDBG) : 2013 Grant Round**

-- Provide Advisory Opinion to Town Council on proposals

Mr. Boyer noted that the applications are all good concepts, but that he looks for projects that will benefit the taxpayers of West Greenwich. He noted that first and foremost, they should benefit the Town. The Board held discussion on the proposals and came to an agreement on the priority for recommendation to the Town Council.

**Motion to** make a finding that the following proposed projects in the 2013 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. Looking Upwards, Inc.- emergency generator
2. Education Exchange -Work Ready credential program
3. Westerly Area Rest Meals shelter- Employment/Job Readiness Program
4. Westerly Area Rest Meals -Permanent Supportive Housing Rehabilitation
5. Community Housing Land Trust- Operating Expenses
6. Washington County Community Development Corporation- Operating Expenses
7. Welcome House of South County- Operating Expenses

Boyer-Berry. There was discussion. Mr. Regan suggested switching items 3 and 4 for WARM, because the supportive housing rehabilitation will create construction jobs right away. The Board agreed. Mr. Boyer amended his motion. Seconded by Berry. All in favor (5-0).

**Motion to** add to the agenda for discussion purposes only the Victory Woods appeal. Boyer-Berry (5-0).

Mrs. Letendre explained that the Board's decision letter went out, and also a letter from the Solicitor's office informing the applicant that in accordance with the Consent Order that was entered into in January 2010, that the Master Plan approval that was accomplished through the appeal process of mediation had expired, because it was only vested for three years. She noted that the applicant has chosen to take an appeal to the State Housing Appeals Board. She noted that there will be a pre-hearing conference later this week and that the file is being put together.

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

## **WEST GREENWICH**

**May 20, 2013**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, May 20, 2013. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry and Alternate Bill Bryan.

Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:02 p.m.

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It was determined that there was a quorum.

### **CONSENT AGENDA**

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

March 18, 2013 Regular Meeting

Motion to approve the Consent Agenda. Boyer-O'Loughlin. (5-0)

#### **Minor Amendment to Preliminary Plan**

##### **Stonebridge Estates Phase 2: Construction Update and Minor Amendment to Preliminary Plan for Drainage and grading**

Major Residential Subdivision- AP 33 Portion of Lot 1-1 (interim Lot 1-13 for financing)

--Plain Meeting House Road; Phase 2 consists of new town road and drainage, and 8 house lots  
Road and drainage are under construction; proposed drainage re-design for Planning Board review and approval

Tim Behan, PE for the applicant approached the Board. Mr. Behan noted that this only pertains to the lower road of Phase 2, and not the other phase. He explained the existing plan, noting that it would accommodate drainage from Plain Meeting House Road and bring it into the development. He noted that at that time there was a hole on the other side of Plain Meeting House Road, but that since then the Town has moved the location of the hole and installed a pipe to discharge into the field. He noted that the construction has started and that the road has been roughed in, and that a lot of the drainage pipes are already installed. He explained the path of the drainage leading to the detention pond. He noted that the original design changed slightly, and noted that the deep ditch is not needed anymore and that the contractor asked to relocate the ditch. He noted that at the same time the Director of Public Works expressed that he would like to get rid of the ditch. Mr. Behan noted that he met with the owner and decided to get rid of some of the ditches and pick up the existing catch basins to new catch basins to lead into the original ditch farther down the road. He noted that he just needs to get the final drainage calculations to Dan Cotta, the Town's Consulting Engineer, for review and approval.

Mr. Boyer noted that the plan shown wasn't approved by the Planning Board. Mr. Behan noted that there was something similar to what is being proposed today. He noted that about a year or two ago the applicant asked to get rid of some of the drain line and put it behind the house, which made the big ditch around the house lot. Mr. Boyer noted that was ugly. Mr. Behan noted the proposal will be a lot more attractive with the ditches gone and to have it all underground.

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Mr. Behan noted that the slopes for the remaining ditch have been made milder by sliding it farther off the road, and made the slope going towards the house much flatter to accommodate a lawn mower.

He noted that they are also putting a double grate catch basin out at Plain Meeting House Road so that the gutter flow will get into the catch basin and down into the detention pond.

Mr. Boyer asked if the engineering account balance is still being filled. Ms. Paquet noted that she hasn't had a bill in a while so she hasn't checked the balance. It was noted to keep an eye on this.

Mr. Berry asked why not extend the pipe all the way down? Mr. Behan noted it should not be an RIDEM issue because it is just conveyance, and not really any water quality benefit there. There was discussion and it was decided that if that is proposed that it will need to come back to the Board.

There was discussion on where the lowest spot is and if a big storm would overflow the ditch and go into the yards. Mr. Behan noted that the pipe inlet was sized to convey the 100 year storm under the cul-de-sac. He noted that there is no spot that needs to be bermed up to keep the water inside the ditch.

There was discussion on a motion. Mr. Behan noted that the developer asked to have the drywells incorporated into the detention pond, but that he needs to check into this to see if the calculations work. He noted that if it works they are going to get rid of only the drywells on the 8 lots in this phase 2 for that one detention pond, and noted that this is a condition note on the plan. Ms. Paquet noted that the calculations still need to be reviewed and approved by the Town's engineer. She asked to include in the motion that the project review fee account needs to continue to be replenished. Ms. Paquet also noted that there is going to be another plan that shows the profile and that it could be approved administratively by the Town engineer. Mr. Boyer noted that the Town will not entertain any other plans unless Mr. Behan presents it to the Board. Mr. Behan noted that the plans are not 100% complete yet, and that he still needs to complete the plan profile and the drainage calculations.

Motion to accept the proposed drainage changes as per plan prepared by TJB Engineering dated May 2013 received by the Town on May 14, 2013, with the following conditions:

1. That the drainage calculations, including calculations for possible removal of the house lot drywells on the 8 lots in phase 2, be reviewed and approved by the Town's consulting engineer.
2. That the project review fees shall continue to be replenished as needed
3. Submit the forthcoming accompanying plan profile for review and approval by the Town's consulting engineer
4. No other proposed plans shall be entertained unless presented by the engineer.

Boyer-Berry (5-0)

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**Major Land Development Project: Construction Update and preparation for Final Plan**

“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

Ms. Paquet gave an update of the construction on the project. She noted that it has all been constructed and that the construction manager has requested that she go out to see the buffer tomorrow. She noted that the applicant is getting ready to submit their final application of as-built plans of the layout of the site showing the minor changes. She noted that the view of the panels was not visible for most of the area due to the grade, but that it becomes visible right where the boulders were and the buffer was difficult to install. She noted that it will be on for final review in June and that the Board should schedule a site visit before then. It was decided to have the site visit right before the June meeting at 6:00 p.m.

**REPORTS AND SPECIAL ITEMS/ COMMENTS BY BOARD MEMBERS**

The Board asked for an update on Dan’s Place. Ms. Paquet noted that he expanded the employee parking area and that she had his engineer submit a plan and supporting drainage calculations that were reviewed and approved by the Town’s consulting engineer and approved by her administratively. She noted it was such a minor project that it didn’t need to go to the Planning Board. Mr. Boyer asked Ms. Paquet to please keep the Chairman in the loop when stuff like this takes place, so that when the Board members start getting calls, at least they know about it.

Ms. Paquet noted that she received a pre-application plan for an RV camp ground for Arnold Farm Road, which appears to be for transient travelers. Mr. Boyer noted he will attend the TRC meeting for this application.

Mrs. Letendre gave an update on the SWAP appeal noting that she prepared a memo about jurisdiction of the SHAB to review the matter. She noted it will be a while before anything happens.

Ms. Paquet updated the Board regarding a Notice of Violation issued to the owner of the property located at 65 Nooseneck Hill Road. Mrs. Letendre noted that a Cease and Desist will be issued this week as well, as a follow up to this matter. Ms. Paquet noted that she expects a site plan from the engineer soon.

Ms. Paquet gave the Board an update on the transfer of ownership of the truck stop, which was purchased by Travel Centers of America.

Ms. Paquet gave an update on the Marriott within the Centre of New England, which is on a parcel that is in receivership. She noted that as long as it meets zoning, they are looking to do an administrative subdivision in order to own their currently leased area.

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Mr. Bryan asked about the retention basin and the landscape buffer at the Coast to Coast site. It was noted that they missed the growing season for the grass to stabilize it and for the buffer. Mr. Bryan noted that the berm is visually properly constructed for a distance towards the spillway, but that there is a section on each side of the spillway where it looks like they just dozed material up, perhaps as if they cleaned out the bottom of the basin. It was noted that the abutter was concerned about the view. It was noted that it is wide open, and that something needs to be planted now. It was noted that this has not been done yet. It was noted that the lady's house was flooded during the March flood, as the drainage all leads that way.

**Motion** to adjourn. Boyer- Regan (5-0). The meeting ended at 7:44 p.m.

## **WEST GREENWICH**

**June 17, 2013**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, June 17, 2013. Present were: Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry, and newly appointed Alternate Brian Wallace. Chairman Brad Ward and Alternate Bill Bryan were absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Vice Chairman O'Loughlin called the meeting to order at 7:00 p.m.

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It was determined that there was a quorum. It was noted that Mr. Wallace has not yet been sworn in, and so would not be voting this evening.

### **CONSENT AGENDA**

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

May 20, 2013 Regular Meeting

Motion to approve the Consent Agenda. Berry-Boyer (4-0)

#### **Land Development Plan: Pre-Application Plan**

“Uncle Will’s RV Park” AP 49, Lots 4-1, 4-6 & 4-7

--at Arnold Farm Road ; Zoning: Highway Business

Proposed RV camp ground

Owner /Applicant: Arnold Farm Partners

Attorney John Pagliarini approached the Board, and noted his new address at 3913 Main Road, Suite E, Tiverton. Also present in the audience were Robert Studley, Gary Studley, and Bill Miller.

Mr. Pagliarini noted that they are scheduled for a Zoning Board meeting tomorrow evening. He noted that the proposed use is basically a campground RV park, located off Arnold Farm road. He noted there is access to route 102 with plenty of site distance and that Arnold Farm Road is an approved Town road. He noted the RV park will be located on the area that is currently mostly disturbed, leaving the 50 acres of residential land in its pristine state in the foreseeable future. He noted that there will be a community well, and for wastewater there will be arrangements made for a private vendor to come in as needed to pump the individual vehicles. He noted that a license is needed from the Town Council, and that they will submit that application after they find out if they are successful with the Special Use Permit.

Mr. Pagliarini noted that it is their expectation and intention that the Town Council will put a restriction on the park that it not be year-round. He noted that they expect it will be seasonal, and that people would not be camping in the winter months. He noted that they will work with the Town Council to address the Town Planner’s comments about some of the other issues they’ve had with campgrounds in Town.

Mr. O’Loughlin asked if each site would have a water hook-up and not a sewer hook-up. Mr. William Miller, Harry Andrews Road, representing the applicant, noted that each site will have a water hook up and electricity. He noted that the water would be seasonal and would be shut off in the winter because they can’t prevent it from freezing. Mr. Boyer asked how many months they plan on being shut down in the winter. Mr. Miller noted they haven’t gotten that far yet, but

## **WEST GREENWICH**

**June 17, 2013**

### **PLANNING BOARD MEETING**

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that frost usually hits between December and April. There was discussion on possible dates they would be shut down. It was noted that this would be included with the Town Council license. Mr. Miller noted that they are mostly catering to transient people, like someone who is going from Pennsylvania to the Cape and they need a place to stay over. Mr. Berry asked if there will be any permanent structures like decks or gardens. Mr. Miller noted it is strictly set up for driving in and driving out. He noted that they are not set up with a recreational barn or anything like that where they can have parties. Mr. Pagliarini noted that the amenities are sparse, which will deter long-term stays. Mr. Miller noted that there might be migrant workers looking for a place.

Mr. Boyer expressed concern of the potential for pedestrians crossing Route 102 to get to the restaurant.

Mr. Boyer noted that the request for an advisory opinion is not on the agenda.

Mr. Boyer noted that there have been problems with people staying year-round like at the campground in Coventry. He noted that if the property is sold, or in the future, there have to be very strict stipulations written in there about it closing or about any permanent structures. Mr. Miller noted that this can be controlled through the Town Council. He noted that this is a big issue in RV parks and explained that there is a standard document for rules and regulations that acts as a contract between the campground and the people that rent from it. He noted that these are standardized throughout the industry and that he has looked at them. He noted that there are standard provisions in there that the owners of the campground have the right to ask people to leave. He noted that this is a standard form that they sign when they pull in with their vehicle.

Mr. Berry asked if they are looking to attract clientele who are going up and down the highway who need a place to stay, how do they prevent the transients from moving in. Mr. Miller noted that they can move in, but only for the time that is allowed, like a migrant worker.

Mr. Pagliarini noted that one thing that can address the long term stay would be the pricing, which would have a day rate, a weekly rate, and a season rate. He noted that if they only offer a day rate, then it would not be cost effective to stay longer, which could be an option to look at. He noted that if they offer a weekly rate, that the discount for the weekly rate versus the daily rate would dictate how long they stay. Mr. Miller noted that generally people who stay are looking for other services like a store, or a place to have parties or a gathering area. He noted that they are not providing anything like that. There was further discussion on preventing this from becoming a shanty town.

Mr. Boyer asked if the roadways are going to be paved. Mr. Miller noted they would be ground asphalt. Mr. Boyer asked about the concrete pads. Mr. Miller explained that the bus would be on crushed asphalt, and the concrete pad would be for the awnings. Mr. O'Loughlin noted the plan says 'optional' and asked if the concrete will be on all of the sites. Mr. Miller noted the concrete would be on the sites that are linear, not on all of them.

Mr. Berry asked about sewer hook up. Mr. Miller noted that they will provide a tank and that there will be two choices. He noted that either a guy they contract with will come in and pump out the individual tanks, or the campers can dump into a tank when they leave, which would be

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**June 17, 2013**  
**PLANNING BOARD MEETING**

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pumped out. He noted that the office will probably have a small leach field, since there will be someone on duty for 24 hours.

Mr. Miller noted that they do not intend to have a propane filling station, because there is no money in it and there are places around Town where people can get propane.

Mrs. Letendre asked if there are any standard rules about site circulation, noting that there is only one way in and one way out. Mr. Miller explained that the layout is based on the National Fire Code. He noted that the entrance is a control point so that people don't sneak in the back. There was discussion on a break-away gate for fire access.

Mr. Berry noted that the contract will be important for how it will be controlled. Mr. Miller noted it will come with the site plan review stage. Mr. O'Loughlin asked if the electric will be underground. Mr. Miller noted it will all be underground. Mr. Boyer asked how many sites there are. Mr. Miller noted there are 46 spots.

There was discussion on landscaping. Mr. Miller noted that there is a landscape architect who designed the plans and noted that they'd like to keep it as natural as possible because people like trees when they are camping. Mr. Miller noted that there is an issue with lighting pollution from the building across the street that they would like to control.

There was discussion on the wetlands permit.

Mr. Boyer noted he is interested to hear what the Fire Chief will say about the choke point, and about stacking of the RV's when a few come in at one time. Mr. Miller noted that they laid it out so that they can come in and park side by side. He noted that they have the ability to lose a space and come out through the cul-de-sac. It was noted that there could be a crash gate there.

Mr. Miller noted that they intend to shut down over winter and will have no problem with a license with conditions that they be shut down for a certain time.

There was discussion on lighting. Mr. Miller noted that there will be minimal down-lights just to focus on the driveways so that people know how to get out at night or early morning. He noted that there probably won't be any widespread lighting for the individual sites, but maybe some lights for the electric panels.

Ms. Paquet confirmed that the advisory opinion was not posted on the agenda, and noted that she can forward her memo to the Zoning Board along with the comments from tonight's meeting, but that a formal recommendation can't be sent since it is not on the agenda. Mr. Boyer noted that one of the stipulations that the Board would want is that they shut down for a certain period. It was noted that this can be worked out with the Town Council. It was noted that this application has to come back to the Planning Board for site plan review, and that they have to go to the Zoning Board for a Special Use Permit, and to the Town Council for a license. It was noted that tonight's meeting is a pre-application review of the conceptual plan, and that it still needs to be engineered. The Board noted that they have certain concerns that they will want to see addressed at the next stage of review.

**WEST GREENWICH**  
**June 17, 2013**  
**PLANNING BOARD MEETING**

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**Major Land Development Project: Final Plan**

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

It was noted that the Board was just out there for a site visit. Mr. O’Loughlin noted that it was very well designed and well built.

Alan Benevides, PE with Woodard and Curran, Matt Ursillo from Gehrlicher Solar, and Mark Chrissos from ConEdison Development were present.

Mr. Boyer noted that it appears that everything was built according to the plan, and that where there were deviations they got approval from the Town and that the changes are shown on the as-built plan. He noted that there are two issues, one being the planting of six trees. He noted that at the site walk the applicant stated they would plant those trees in the fall growing season. He noted that the Board was in favor of this and pointed out that there is a bond. Mr. Boyer noted that there is also a 5 year guarantee on the trees that the applicant has with the tree installer. He noted that the Board is seeking direction on how much of the bond to retain.

Mr. Boyer noted that there were a few other things that they spoke about at the site visit. Mr. Benevides explained that they will make the changes to the title block to add the plat and lot numbers, and that it will be filed this week. For the Stormwater Agreement, he noted that ConEdison is working with the landowner on this document, which will be forwarded to the Town within a week.

There was discussion on voting on the bond for next month. It was noted that the applicant does not need to be present. Mr. Benevides noted he will provide an estimate along with a copy of the 5-year guarantee. Mr. Ursillo noted what was discussed at the site visit is 4 trees for Mr. Peterson, and 2 trees for Ms. Sherman. He noted that he spoke with the homeowners and explained that it will be for some time in September/fall.

**Motion** to approve the final plan for the Plain Lane Power Major Land Development Project located at a portion of AP 30, Lot 2, with the following conditions:

1. Project is subject to the 6 carryover conditions from the Preliminary plan as noted in the Planner’s memo.
2. Install the 6 trees on the two lots within in the next planting season (September/October)
3. Make the change to update the title block with the Assessor plat and lot number on the As-Built plan
4. Finalize the Stormwater Agreement
5. Submit amount for bond estimate and the 5-year guarantee.

Boyer-Berry (4-0)

The Board noted that the place looks great, and that they did a good job.

**WEST GREENWICH**  
**June 17, 2013**  
**PLANNING BOARD MEETING**

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**Request for Building Permit for Model House**

“Stonebridge Estates”

Major Residential Subdivision- AP 33 Portion of Lot 1-1 (interim Lot 1-13 for financing)

--Plain Meeting House Road; Road and drainage are under construction

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

Mr. Rudy Procaccianti of Stonebridge Estates LLC approached the Board. He asked if the Board had a copy of the plan for the building permit. It was noted that the Board does not have this information. Ms. Paquet took out the plan for the drainage from last month to show the Board the house lots. It was noted that the Board only has the letter of the request for a building permit.

It was noted that the road is under construction now. Mr. Boyer asked what stage they are at in the road construction. Mr. Procaccianti explained that everything is cleared and that some of the piping is in, and that they are starting the piping that was approved last month. He noted that they are not too far, and that once they get the basins set and the pipes in they will be pretty well set. Mrs. Letendre asked if it is all dirt right now, or if there is gravel. Mr. Procaccianti explained that the gravel is pretty well set there now.

Mr. Berry asked if the model home would be built, but not occupied until later on. Mr. Procaccianti noted that there would be no CO until the road is complete. He noted it is to get some activity going, and that the road won't take that long once they get the drainage in, about six to seven weeks tops to finish it off. It was noted that changes to the drainage were reviewed last month.

Mr. O'Loughlin asked how long it would take to build the house. Mr. Procaccianti noted it would take 4 to 6 weeks, about the time the road will be complete. He noted that he has some benchmarks he needs to meet with the bank to spur the sales.

Mr. Berry asked what kind of house would be put there. Mr. Procaccianti noted it would be about a 1,700 or 1,800 square foot colonial with a porch. It was noted that the well is already in and the septic is approved.

Mr. Regan expressed concern that he would like to see the road and drainage completed before any building starts.

Mr. Procaccianti noted there is about 300 feet of frontage on Plain Meeting House. It was pointed out that this house would be on Stonebridge. Mr. Procaccianti noted he considers it one single lot at the moment.

Mr. O'Loughlin expressed concern that if the road is not done and there are people going in to see the model home, that there will be construction vehicles at the same time as people coming in to see the house. Mr. Procaccianti noted that they will probably be done simultaneously, and that he doesn't see much of an issue. He noted that everything is going to be done on the road and that obviously the road has to be complete first.

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Mrs. Letendre noted that the revised drainage that was discussed last month goes right across the lot 20 and asked if has been installed. Mr. Procaccianti noted that it is not and that they are working on it. He noted that they just got the approval on it. Mrs. Letendre noted that there will be construction vehicles going on the lot to build the house while they are trying to get the drainage in.

Mr. Procaccianti noted that it would make it much easier for him and noted that there has been a lot of delay because of the drainage. He noted that they just got the approval and that to put it behind any further is going to give him some issues with the bank. He noted that he wants to get some activity in the area. He noted that he is taking the Plain Meeting House water and that they have overbuilt the pond for it.

Mr. Regan expressed concern that there are still uncompleted roads in Town in developments with 20 houses.

Mr. O'Loughlin noted that the Town regulations have been changed due to some of the past experiences and that to go against the Town regulations could turn out bad.

Mrs. Letendre noted that because there is so much site work that is going to be going on there, that it is a particular issue in terms of public safety. She noted that the Town also needs some assurances and suggested bonding. She asked how much longer it is going to take to at least get through the base coat on the road, or to have all the drainage and roadway complete past the lot. She noted that it is up to the Board.

Mr. Procaccianti noted that when he got this project in 2007, he didn't need any variances and that he offered to pay the engineering and do the drainage to take the water from Plain Meeting House road. He asked again to get the model house going.

There was discussion on the regulations not allowing building until the road is done. Mr. O'Loughlin expressed concern of precedence. Mrs. Letendre noted that she's seen model homes built, but not until the road was in. Mr. O'Loughlin again expressed concern with the road not being finished, even if it is complete up to the property line, that there is going to be heavy equipment finishing the cul-de-sac, and the public coming in there when it is a construction site. Mrs. Letendre noted that this is why it is a public safety issue. Mr. Procaccianti noted that the house is going to take as long as it takes to get the road in and that they can almost be done simultaneously. He expressed concern of time taking 6 to 7 weeks to get the road done and then starting the house then.

Mr. Boyer expressed concern of going against the regulations, and something happening, and then things not following through. Mr. Procaccianti asked if there is something that could be done in writing through the attorneys that he cannot show the house until the road is complete. The Board questioned the capacity to enforce this and keeping an eye on it.

Mr. Berry asked if the road and drainage is actively being worked on now. It was noted that there hasn't been any activity there in a few weeks. Mr. Berry noted it sounds like they need more time than between now and the next meeting to get the road done.

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Mr. Regan reminded the Board of past problems noting that there are projects out there that are 12 years old with 30 houses and just binder on the road that is wearing down, which will cost the Town a lot of money to pave. He noted that this is why the Town changed the rules. Ms. Paquet explained that what the Town uses as a bond now, is that once an application comes in and the Town knows there is a project, all the infrastructure has to be complete to a certain point before it is approved and the lots get endorsed. She noted that five house lots have already been cut out of the property.

Vice Chairman O'Loughlin called for a motion to approve a one-lot model home for Stonebridge Estates. Hearing no motion, he then called for a motion to deny.

**Motion** to deny the model home for Stonebridge Estates. Berry-Regan. All in favor (4-0).

**REPORTS AND SPECIAL ITEMS**

**Update on Recently Approved Projects / Project Under Construction**

Ms. Paquet gave an update on the following projects:

Rochs Fresh Food  
Coast to Coast  
McLellan Page, Inc.  
Stonebridge Estates Residential Subdivision  
Pine Estates Residential Subdivision

Ms. Paquet noted that the Town's consulting engineer, Dan Cotta, has been out looking at erosion controls on Pine Estates, Stonebridge, and Coast to Coast. She noted that he recommended locations for reinforcements or repairs. She discussed the status and her recent letter to Pine Estates, and noted that she spoke with the developer to let him know to fix an area because more rain is coming.

Rochs –it is time to have the applicant come in to give an update on the status of the project.

Coast to Coast- changes prompted by RIDEM to the design of the detention pond at Coast to Coast; there will need to be confirmation that the pond berms are properly compacted in 6 inch lifts.

McLellan Page -project hasn't started yet and they are looking at some changes to the roof.

Stonebridge- has approval to start on the revised drainage; there was nothing stopping them from working on the detention pond or any of the other things they could have been working on in the meantime.

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**PLANNING PROJECTS**

Ms. Paquet noted that there is a drafted ordinance for Village Zoning.

**COMMENTS BY BOARD MEMBERS**

Mr. Boyer asked if any applications have been received. Ms. Paquet noted that coming up there has been a request for a bond reduction on the guard rail in Orion View Drive. Mr. Boyer noted that there is no guardrail there and that he put rocks up there. Ms. Paquet noted she is having the consulting engineer look at it.

An application for 65 Nooseneck Hill Road has been received, in response to a previously issued Notice of Violation.

Mr. Boyer asked about proposed legislation that was mentioned in the Planner's memo.

Mrs. Letendre gave an update on proposed land use legislation.

**Motion** to adjourn. Boyer- Berry (4-0). The meeting ended at 8:17 p.m.

## **WEST GREENWICH**

**July 15, 2013**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, July 15, 2013. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry, and Alternates Bill Bryan (7:04 p.m.) and Brian Wallace. Assistant Town Solicitor Nancy Letendre (7:02 p.m.) and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:00 p.m.

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It was determined that there was a quorum.

### **CONSENT AGENDA**

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

June 17, 2013 Regular Meeting

Motion to approve the Consent Agenda. Boyer-O'Loughlin (4-0), with Ward abstaining.

#### **Major Land Development Project: Bond Reduction**

"Plain Lane Power" 2 Megawatt (MW) Solar Photovoltaic Power – AP 30, Lot 2  
--at 179 Plain Meeting House Road; 2 MW solar power panel field and related structures  
Land Owner: Big John's LLC (Matthew Leyden, et al)  
Applicant/Project Owner: West Greenwich Solar, LLC c/o Con Edison Development, Inc.  
-Landscape Buffer cash bond \$48,850

It was noted that the additional plantings will cost \$4,660.52, including installation and the 5-year warranty. Ms. Paquet noted that she has not received anything signed and in writing about the 5-year guarantee, and that she only has a half signed purchase order. The Board noted that the applicant needs to get us the documentation for the 5-year guarantee.

Assistant Town Solicitor Nancy Letendre arrived at 7:02 p.m.

There was discussion on a motion for a bond reduction contingent on supplying the 5-year guarantee before the bond reduction takes effect. Mrs. Letendre noted the Board could make it contingent on supplying the guarantee.

There was discussion on rounding off the amount of the bond, but the Board decided to stay with the contracted amount.

Mr. Bryan arrived at 7:04 p.m.

Motion to reduce the landscaping bond for the Plain Lane Solar major land development project to \$4,660.52, after the applicant provides the Town with the signed documentation for the 5-year warranty. Boyer-Regan (5-0).

**WEST GREENWICH**  
**July 15, 2013**  
**PLANNING BOARD MEETING**

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**Land Development Plan: Pre-Application Plan Stage**

- **Advisory Recommendation to Zoning Board for Special Use Permit**
- **Advisory Recommendation to Town Council for Campground License Permit**

“Uncle Will’s RV Park” AP 49, Lots 4-1, 4-6 & 4-7

--at Arnold Farm Road ; Zoning: Highway Business

Proposed RV camp ground, Zoning Use Code: 833 Outdoor Private Land Recreation- Camps & Campgrounds, by SUP in Highway Business

Owner /Applicant: Arnold Farm Partners

Attorney John Pagliarini approached the Board, 3913 Main Road, Tiverton. Also present in the audience were Robert Studley, Gary Studley, and Bill Miller.

Mr. Pagliarini described the project. He noted it is a 46 parking space, RV campground under use 833 in the Zoning Ordinance. He noted it is a campground that is devoid of amenities, for short-term, overnight stay. He noted that the business plan is to pull people in off the highway, not keep them for the long term. He noted that longer rates will be available.

Mr. Pagliarini noted that there was a posting issue last month, omitting the request for the advisory opinion to the Zoning Board. He noted that they did go to the Zoning Board meeting and got an approval, but due to another posting issue the Zoning Board’s decision was later determined to be null and void. He noted that they will go back to the Zoning Board for another hearing. Mr. Pagliarini discussed the conditions that the Zoning Board had placed on the project, including restriction on the season from March 15 to November 30, maximum of 46 spaces, include one access point for security, subject to Fire Marshall’s review, low lighting, electric and water at each site, septic to be either holding tank or pump out service, underground utilities with a gravel interior road.

Mr. Pagliarini noted that they would also like to keep the option open to have propane on site, subject to the Fire Marshall’s review. He noted that the zoning Board incorporated all of the Planning Board’s discussion comments from last month, and added a 10-foot wide landscaped buffer strip adjacent to the public road at the property line, a minimum of a 4-foot wide landscaped strip around the paved perimeter abutting the other lots, and all other areas not developed to be either landscaped or kept in natural state. Mr. Pagliarini noted that Mr. Gifford will be the Landscape Architect for this project and they will have the plan for the next stage of development plan review.

Mr. Pagliarini noted that they are also asking for an advisory opinion to the Town Council. He pointed out that the surrounding businesses operate 24/7, and that they will be requesting from the Town Council that this park be open 24/7 so that campers can come in at any time.

Mr. Boyer asked if the roads will be gravel or crushed asphalt, and noted that they are not the same. Mr. Pagliarini noted it will be crushed asphalt. Mr. Boyer asked if it is strictly RV’s, or if tents will be allowed. Mr. Pagliarini noted it is strictly RV’s, camper trailers, and pop-ups, not tents.

## **WEST GREENWICH**

**July 15, 2013**

### **PLANNING BOARD MEETING**

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There was discussion on overwintering storage of RV's on the site. Mr. Boyer noted this would be a stipulation he would be looking for so that there aren't RV's sitting there all year long. Mr. Miller noted that this is the first he has heard of this, and didn't know if this is what RV parks do. The Board expressed concern of people living in the overwintering RV's even if the utilities are shut off. Mr. Berry noted he would be in favor of a stipulation that all RV's be removed from the site. Mr. Pagliarini noted that they might put some jersey barriers across the entrance to keep vehicles out.

Mr. Bryan questioned if the applicant is saying this is for transient stays, why the nature of the questioning is geared towards long term stays. He noted that the Board is clear that they want to have restrictions on longer terms stays. He noted that since the applicant is saying it is transient, to just make the restriction limited to transient. Mr. Pagliarini noted they want to keep the option for seasonal rates. There was discussion that there would be no permanent structures, no added on decks, except for the cement pads.

Mr. Pagliarini noted that they have a maintenance shed, and office building, and would like a small retail store for convenience items within the maintenance building or the office building, such as for tooth brushes and toilet paper types of supplies.

Mrs. Letendre suggested limiting the size of buildings for any retail store to ensure it is an ancillary use. She pointed out that retail and storage are different use codes in the zoning ordinance.

Mr. Miller discussed what they would like to do with the park as far as duration of being open. He noted that his intentions are that on the 15<sup>th</sup>, they shut off the water and blow out the lines, turn off the electricity, and put up Jersey barriers at the entrance. He noted that they have no intentions of plowing snow in there. He noted that the police take notice if anyone tries to stay there over the winter. He noted that if someone wants to stay the whole season, they expect that to happen. He noted that he never thought about storing trailers until now, and that maybe people would want to. He noted it is one thing to leave it on the site, and another thing to occupy it. He noted that they will not encourage people to leave their trailers there over the winter, but expressed concern about these restrictions. He noted that they would like for a few people to be able to stay for a season.

Mr. Pagliarini noted they did not think about storing trailers there over the winter, and would like to revisit this after a few years.

Mr. Bryan noted that the Fire chief would need to comment about the storage, and noted that he might want access to that area. Mr. Miller noted this is something he hadn't thought of.

Mrs. Letendre suggested to the Board that they include in their recommendation that the Zoning Board and the Town Council get the comments from the Fire Chief regarding any storage of trailers over the winter.

There was discussion on the size of the store. Mrs. Letendre recommended that the Board include in their recommendation to the Council that the applicant propose a size for the store, and that that the Council set a size limit for the store.

**WEST GREENWICH**  
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Mr. Pagliarini noted each utility hook-up will have low lighting for the panel.

Mr. Ward, expressing concern for fire access, added that all parking will be contained on the property, and no parking on the street. Mr. Pagliarini agreed. There was discussion on an emergency gate and fire suppression. Mr. Pagliarini noted there is a pond on site that could be used for a dry hydrant.

The Board discussed conditions for a motion.

**Motion** to recommend approval to the Zoning Board and the Town Council for the use of an RV campground with the following conditions:

1. No storage of RV campers/trailers over the winter close out dates.
2. Strictly adhere to shutting down the utilities for the dates specified (November 30 to March 15)
3. No off-site parking permitted. (no street parking allowed)
4. Lighting be Dark Sky compliant
5. The applicant shall present the limited square footage size needed for the store to the Zoning Board and the Town Council.
6. Incorporate the Zoning Board's previous conditions from their recently voided decision
7. Fire Marshall shall review propane swap out.
8. No fixed structures for the rental spaces allowed, such as decks, sun rooms, or sheds. The concrete slabs are permitted.
9. Fire Marshall approvals required, and review of possible dry hydrant.

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

**Orion View Drive: Bond for Guardrail along frontage of AP 51, Lot 7-15**

"Owl Ridge" Major Subdivision

-Developer request for bond release, DOSCO, Inc.: \$10,000

-see Consulting Engineer's Memo dated June 19, 2013

There was no one present representing this item.

There was discussion on a possible continuance. Ms. Paquet noted that no one contacted her about a continuance. Mr. Boyer stated that the developer's engineer called him today and said that they were going to ask for a continuance by fax, memo, or call. Ms. Paquet noted that Mr. Annese called the Director of Public Works today asking to go out to see the site, and to say that he had no issue with putting in the guardrail. Mr. Boyer noted he spoke with the developer's engineer and that he said a guardrail is warranted. Ms. Paquet noted that she let the Director of Public works know that the only thing we need to be concerned with is the quality of the guardrail, because the first time the developer put one in it was unacceptable and had to be replaced. Mr. Boyer noted that the guardrail needs to be installed by September or October at the latest.

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The Board discussed the timing and delay with putting it back on next month's agenda because it still has to go to the Town Council for a vote. There was further discussion about continuing to next month and requiring the developer to be present. It was noted that this is a Town Road now. It was noted that there is a liability issue. There was discussion on putting the developer on notice right now that the bond is going to be called, and getting the process going so that if it gets cleared up before the Town Council meeting, they can then ask for relief at that time with the Town Council. Mrs. Letendre recommended to the Board to pull the bond now. She noted that it will take a month for the process to get underway, and they will have a month to figure out what they are going to do, either lose the bond, or come to an agreement with the Town and do it themselves and get a sign-off from the Town, or have the Town install it. Mrs. Letendre noted that the developer has been on notice since the July 1, 2013 letter, and noted that the Board can approve it even if the applicant is not here.

Mr. Berry expressed concern if the developer put up the same poor quality guardrail. Mrs. Letendre noted that it would be an administrative issue to work out, and that the Town still has the bond money.

**Motion** to pull the bond to install a guardrail on Orion View Drive. Berry-Wallace (5-0).

It was noted that an Alternate Board member is allowed to second a motion.

Major Residential Subdivision: Construction Status Report

“**Pine Estates**” AP 53, Lot 6-1

--off Hopkins Hill Road; 5 lot subdivision with new public road; under construction

Owner/Applicant/ Contractor: Shoreline Properties, Inc. (Joe Catelli)

--Status of progress in addressing items in May 28, 2013 and May 20, 2013 correspondence

No one was present for the applicant.

Ms. Paquet noted that there was an inspection on July 10<sup>th</sup>, and passed out some memo's for the Board. The Board noted that the memo is from the Town's consulting engineer and that it needs to be in writing from the applicant. The Board wanted a response in writing for each item in the May 20, 2013 and the July 10, 2013 letters on a point by point basis.

### **PLANNING PROJECTS**

Village Zoning – review and discussion on draft ordinance

Ms. Paquet noted that she is preparing a memo and some articles on planning to go along with the review of the ordinance.

### **REPORTS AND SPECIAL ITEMS**

Ms. Paquet noted that the receiver on the Centre of New England project is working on the Firestone Tire parcel and asked the Board if the plan needed to come back to them for review if the owner/applicant wanted to construct only a portion of the road that was shown on the plan.

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The Board noted that it had to come back for review to show what they are going to do if they wanted to do that, or that they have to build the whole road shown on the plan. Mrs. Letendre noted that this is a major change.

Ms. Paquet noted that the truck stop is working on their Master Plan, but that in the mean time they are proceeding with an application for a Special Use Permit to operate a truck service station in the existing building. It was noted that the service station has to come in for Development Plan Review approval with the Planning Board before the expansion of the building can occur.

Mrs. Letendre noted that the SWAP appeal is still in briefing of whether the SHAB can hear the appeal or not.

**ADJOURNMENT**

**Motion** to adjourn. Boyer- Berry (5-0). The meeting ended at 8:16 p.m.

**WEST GREENWICH**  
**August 19, 2013**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, August 19, 2013. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry, and Alternates Bill Bryan and Brian Wallace. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:03 p.m.

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It was determined that there was a quorum.

**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

July 15, 2013 Regular Meeting

Motion to approve the Consent Agenda. Berry-O'Loughlin (5-0).

**Advisory Opinion to Zoning Board for Special Use Permit- AP 49, Lot 2**

"Travel Centers of America" Truck Stop, use of Truck Service/Repair Shop  
--on Victory Highway; reconvert existing building to truck repair shop; near future addition to same building for expansion of same use  
Owner/Applicant: TA Operating, LLC

Attorney John Pagliarini, 3913 Main Road, Tiverton, approached the Board for the applicant. Also present in the audience were Walter Fouche, Regional Construction & Maintenance Manager for Travel Centers of America; and Peter Alviti, Jr., P.E, with Hudson Place Associates.

Mr. Pagliarini noted that the application is for an advisory opinion to the Zoning Board for a Special Use Permit for use codes 633 and 634 for an automotive service garage. He noted that the building was used in the past as a service garage and was converted to a bio-diesel facility. He noted that the new owners have a very aggressive business plan to revitalize the truck stop to include the removal of the bio-diesel facility and building back a garage to service the trucks when they come in. He noted that there will be staff on site 24/7 to repair those trucks. He noted that the garage is within the footprint of the existing building.

Mr. Pagliarini noted that there will be coming another application shortly for the entire facility to expand the garage bay facility, some asphalt work, and will include all the proper permitting through RIDEM such as stormwater management. He noted that there will be a few new gas pumps, and that the existing store will be demolished. He noted that there will be a restaurant to occupy the current restaurant and there is a laundromat and a game room that will remain intact and that they are looking to modernize and update a facility that went into disrepair due to poor management practices by the previous owner. He noted that another issue that will take a little bit longer is the realignment of Breakheart Hill Road.

Mr. Pagliarini noted that the application this evening is for the truck service bay. He noted that they think it is an accessory use to a truck stop.

Mr. Bryan asked for a point of clarification if the application is just to renovate the existing building with a past use of the single bay, but that the application speaks to a two-bay addition. Mr. Pagliarini clarified that the application is for a three-truck service bay.

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Chairman Ward noted that he has no problem with the expansion as long as it meets all the requirements and that they follow the parameters of the Planner's letter dated July 8, 2013 which stipulates all the modifications and information required for the land development.

Ms. Paquet explained that the addition to the building would require site plan review by the Planning Board and recommended that the Planning Board include a condition that the addition not be constructed until after the Planning Board has reviewed the site plan. Mr. Bryan concurred that they don't have any objection provided there is compliance with the regulations.

Mr. Boyer asked if they will be redoing the sanitary system. Mr. Peter Alviti, PE, explained that the owner has contracted with another engineering firm to do a new system design. Mr. Ward asked if that will include the restaurant upgrade or if it is limited to the expansion of the garage. Mr. Alviti noted that it is for all the facilities.

Chairman Ward entertained a Motion to approve an advisory opinion to the Zoning Board conditioned on the stipulations stated in the Planner's letter dated July 8, 2013 are strictly followed. Motion by O'Loughlin, seconded by Berry. There was discussion on the timing of the existing building conversion and the addition. It was noted that the addition needs to have Preliminary Plan approval by the Planning Board before it can get a building permit. The applicant may seek a Certificate of Occupancy on the existing building. Motion on the table. All in favor (5-0).

#### **Land 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 2 office units with product display area

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

Motion to continue to next month's meeting. Boyer-O'Loughlin (5-0).

#### **REPORTS AND SPECIAL ITEMS**

Ms. Paquet announced a workshop on Design Guidelines and handed out the registration form.

Ms. Paquet announced the CDBG awards, which totaled \$33,858.

Mrs. Letendre noted that the SWAP appeal will go to oral argument on September 10<sup>th</sup>.

Ms. Paquet noted the applications that she has received, including the Master Plan for the Truck Stop. She noted that there is documentation that the some of the existing paved areas were unauthorized by the Town and that there are some drainage concerns. The Board expressed concern of any changes moving forward without Planning Board approval. The Board directed the Planner to send a letter regarding any unauthorized changes to the site.

#### **PLANNING PROJECTS**

Village Zoning – review and discussion on draft ordinance

Ms. Paquet gave the Board a memo and some reading materials to go along with the Village Zoning concept.

**Motion** to adjourn. Boyer- O'Loughlin (5-0). The meeting ended at 7:49 p.m.

**WEST GREENWICH**  
**September 16, 2013**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, September 16, 2013. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:04 p.m.), Mark Boyer, David Berry, and Alternate Brian Wallace. Secretary Tim Regan and Alternate Bill Bryan were absent.

Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:02 p.m.

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It was determined that there was a quorum.

**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

August 19, 2013 Regular Meeting

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

**Minor Development Plan: Preliminary Plan** (approved February 11, 2013)

“Roch’s Fresh Food” -- AP 49, Lot 4-2

--at 865 Victory Highway (access off Arnold Farm Road); Zoning: Highway Business  
Redevelopment of old Coca-Cola warehouse and distribution site into Produce warehousing, washing, chopping, and distribution.

Owner /Applicant: Roch’s Fresh Food West Greenwich, Inc. (Ray Roch)

--Status of completion of improvements to site

Timothy Behan, PE from TJB Engineering, office in East Greenwich, RI approached the Board for the applicant.

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

Mr. Behan went over the conditions of the Preliminary Plan approval. He noted that the Class 1 survey has been performed by K. Andrews Associates. He noted that for the lighting, that Mr. Roch has deflected the majority of the lights at a horizontal level. He noted that he just took a ride down there and noted that not all of the lights were moved down. Mr. Boyer noted that the condition was to have a design professional state whether tilting all the lights down will meet the criteria.

Mr. Behan noted that they dropped off the site plan to the Department of Health to review the changes. He noted that they also dropped off a plan to RIPDES. Mr. Behan passed out copies of the draft Stormwater Agreement and noted a copy went to RIDEM for review. The Board gave a copy to the Solicitor for review.

Mr. Behan presented the landscape plan prepared by Diane Soule, L.Arch.

It was noted that the changes to the plan and the Landscape plan have not been submitted to the Town yet.

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Mr. Behan explained that he met with Mr. Roch and that they have made some changes to the site plan. He explained a proposed row of parallel parking along the driveway to the rear of the building. He noted that Mr. Roch wants to install an emergency generator, which they wanted to put in the front of the building, but that it didn't meet the setback. Mr. Boyer and Mr. Ward noted that a generator in the front of the building might be a problem for the future use across the street.

Mr. Berry asked what the timeline is for the landscaping since we are approaching the end of the season. Mr. Behan noted that the front landscaping and along the retaining wall can be installed now, but that the Stormwater plantings need to wait for RIDEM approval. Mr. Berry reminded everyone of the one year approval deadline from February.

Mr. Behan recapped that it is his understanding that they can plant the plants now.

Mr. Boyer asked if they don't get their approvals from RIDEM soon and they miss the planting season, if it will have any impact on runoff and erosion of the site, and what can they do to still stabilize the site. Mr. Behan noted he should still stabilize the site by putting silt fence on the downhill area and any areas that he has no reason to work in for any duration that typically they can put hay straw down or a temporary seed mix down. Mr. Boyer noted that the Board wants to make sure that the site is stable and that there are no issues. He noted that the site needs to be stabilized from any rain events even if they don't get their State approvals in time to install the landscaping.

Mr. Behan noted that there is no construction schedule now because they are still waiting to hear back from RIDOH and RIDEM. He noted that the site is pretty weedy now. Mr. Boyer asked if Mr. Behan has been there since the Labor Day rain. Mr. Behan noted he had not.

Mr. Ward asked about the parking overnight on the road and the signage. Mr. Behan did not know.

The Board asked to have this back on the agenda for next month for another progress update. Mr. Ward noted that they may have to extend the deadline. He noted that the Board can entertain that as soon as they get all their approvals.

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**Minor Land Development Project: Preliminary Plan** (approved June 18, 2012)

“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.

--Status of completion of improvements to site; and drainage

Mr. Scott Moorehead, PE, of SFM Engineering, approached the Board. Also present in the audience were Mr. Hermond Ghazarian, landowner, and contractor Paul Surabian of Douglas Construction.

Mr. and Mrs. Robinson, abutting landowners were also present with their attorney, Mr. Joseph Scott.

Mr. Ward asked Mr. Moorehead if he knew about the problems that the abutter endured regarding the drainage situation over the Labor Day weekend. Mr. Moorehead noted he is not personally aware of exactly what happened on the abutters’ property and noted that he got secondhand information and that he didn’t observe the site until a day or so after the storm events.

Attorney Joe Scott noted that he has a 30 second video which may give the Board a better idea of what happened on that particular day. The Board entertained the video. Mr. Scott approached the Board with a laptop computer and played the video for the Board, staff, and Mr. Moorehead to see. He replayed the video facing the audience.

Mr. Ward asked Mr. Moorehead if he now has an idea of what actually occurred regarding the abutters and the drainage outflow at that situation. Mr. Moorehead noted that he was aware of what kind of flow was coming through the wall, but that he did not observe the house or the basement or Breakheart Hill Road. He noted that his understanding on Breakheart Hill Road is that part of the problem there was that the catch basin was covered with debris causing additional ponding on Breakheart, but that this was second hand information that he did not observe.

Mr. Ward asked Mr. Moorehead if he has any report that he can give regarding the drainage infrastructure there, and perhaps ways to mitigate the situation so that we can assure our residents that they won’t be inundated on any future events. Mr. Moorehead noted that the basin is designed for up to a hundred year storm, and that a hundred year storm is designed to overflow that top weir. He explained that you’d see that kind of water running through that property because calculations of the existing runoff patterns and the pre-development and post-development where the post-development will not exceed the pre-development and reviewed by the Town engineer Mr. Cotta, and reviewed by DEM RIPDES section, they concur with his drainage report. He explained that some storm, they both see flow of that kind of magnitude with the 100-year storm. He noted that the issue that happened here is that the site is not completely built, and noted that we did not have a 100-year storm, but that we did have two back to back very severe storms. He noted that because it was not fully stabilized—partly due to a delay with DEM approving the RIPDES permit—the first storm filled the basin, and that he understands there was some discharge through the lower, smaller weir. He explained that the second storm came less than 24 hours later and that the pond was still full up to the lower weir

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and that it hadn't had time for infiltration to get the basin to drain down to be empty at the start of the second storm. He noted that we lost all that storage capacity and that the second storm, which was much smaller than a 100 year storm—probably more like a 10 year storm—overtopped the elevation, which would be more consistent with a 100 year storm. He explained that once the site is fully developed, stabilized, vegetated, and everything's in place, and with the two storms we saw last time, that the discharge from this basin will be substantially less.

Mr. Moorehead noted that there was a temporary sediment basin in place for construction that unfortunately got filled about a week or so before the storm events. He noted that one thing that they are doing to even further protect the neighbor is that they have gone back and excavated a large basin in an area he pointed to on the plan. He noted that they are going to stabilize it and noted that it is not in an area proposed for development. He noted that the intention is to keep it as a permanent basin to allow for storage, sediment control, and some infiltration, which will lessen the ultimate discharge from the other basin. He noted that he can probably go out and measure the basin and calculate what the reduction will be. He noted that it will pick up all the runoff from the North side and mitigate it before it gets to the main basin. He noted that since the storm, they have already gone out and dug that, and regraded the entire area, installed new erosion controls, and reseeded the area to try to get that stabilized. He noted that as soon as the basin dries out, they will take out the sediments that are there, line the bottom with sand and get it revegetated. He noted that they would be happy to present to the Town a plan showing the basin being added to the plan, and submit some new calculations to Mr. Cotta to see what further reduction they can get in the post-development flow. He noted that right now the calculations show that the post-development will be less than pre-development, and that with the addition of this basin they can get it even better than that, but that without the calculations he doesn't know how much better yet.

Mr. Ward asked where the roof leaders go. Mr. Moorehead explained where the roof drainage flows.

Mr. Boyer asked if RIDEM issued a Cease & Desist on this site. Mr. Moorehead noted yes and that when they got Preliminary approval from the Planning Board, it was subject to getting the RIPDES permit. He noted that they submitted to RIPDES and that they asked for modifications out of concerns that there is a cold water fishery brook 3 miles from here. He noted that they added additional water quality measures to the basin. He explained that when they tried to get RIDEM to move forward on it and let them know that construction was going on, RIDEM told them that they couldn't do that and issued a Cease and Desist on the site work for approximately 5 months until they issued the permit this past May.

Mr. Boyer asked Mr. Moorehead if the drainage pond was built in accordance with his plans in terms of size and volume. Mr. Moorehead noted that it was pretty close by eyeball and that it was staked out. It was noted that an as-built has not been done. Mr. Boyer asked if the whole pond and that area was stabilized before the storm. Mr. Moorehead noted that it was not because they couldn't do any site work due to the cease and desist until the end of May. He noted that last winter there was a temporary berm there that was being used as a sediment basin. He noted that they didn't even actually get in and start fully grading the berm, the bottom, the forebays, and the other site work until May. He noted that by the time they got done with the site work they got into the hot work and realized that they couldn't get any grass to grow, and so that it

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was not stabilized. He noted that all there was was silt fence and hay bale erosion controls, but that there was not vegetative stabilization.

Mr. Boyer noted that when this application was before the Board, that the Board had concerns with the spillway and the location of that house and if it would have any impact on that house in heavy storms. He stated that obviously the Board's greatest fears came. He noted that the issue is that no matter what they do here, how can they guarantee that this won't happen to the owners of the house again. He noted that this wasn't a hundred year storm. Mr. Moorehead agreed that it was not a hundred year storm. He noted that it was an unfortunate sequence of events that led to more flow onto this property under the storms that occurred than would under normal circumstances occur. He noted that he does not know what kind of drainage problems they may or may not have had in the past under heavy storms, and that all he can do is the calculations for what the pre-development conditions is for runoff and the post development, and meet the standards that the post development be at or below the pre-development. He pointed out the low point and explained that this is where this area drains.

Mr. Boyer noted that his concern is that in this whole event, the only people that have had any kinds of problems and have been put out are the people that live in that house. He noted that to him everything else is immaterial. He noted that the residents were promised here, and that they were told that nothing would happen and that everything was designed accordingly and would be constructed accordingly. He noted that he understands about the cease and desist and expressed frustration that there was supposed to be a barrier and that it is not in. He asked Mr. Moorehead if the catch basin on Breakheart that Mr. Moorehead mentioned was part of the whole drainage infrastructure. Mr. Moorehead noted it was not and that they were only looking at the flow that would occur at the property line. Mr. Boyer questioned whether it should even be factored in. Mr. Moorehead noted that he has no idea how that blockage impacted the flooding on that property. Mr. Boyer note that we don't know if it did, and pointed out that it certainly didn't stop or have any effect on the water that left the Coast to Coast site. Mr. Boyer stated that everything that went into that house is from this site. Mr. Moorehead noted that he does not know where it entered the house—if it entered in the back or if it entered in the front.

Mr. Boyer asked Mr. Scott if the residents are living in their house. Mr. Scott answered that they are, and that the basement got flooded full of mud and that they are going to have serve-pro come in and clean it up. Mr. Boyer asked if the people from Coast to Coast tried to remedy anything. Mr. Scott explained that his understanding is that the project manager for the site did come out on that day to take a look at it, but that he is not sure. He noted that there are no hay bales there and that the silt fence has been down for almost three months now. He questioned whether if they think that that will stop that volume of water that was going through there. He reiterated

Mr. Paul Surabian, owner and operator of Douglas Construction and Supply Corporation, stated that there are hay bales and silt fences out there, and that they were out there before the storm, and that there are more out there now.

Mr. Ward asked Mr. Moorehead if he is aware of where those hay bales are if he can point the location out on the plan. Mr. Moorehead noted that he went by today, but that he did not review the downstream side of the berm, but that he did review the area of the basin going north. He

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noted that this area has been re-stabilized, and that there are substantial hay bales downstream of this pipe discharge and that there are hay bales and silt fence and ditch erosion checks all along this swale. Mr. Ward asked if these were in before the storm or after. Mr. Moorehead noted that they are new that were put in since last week. Mr. Moorehead noted that he did not inspect the site immediately before the storm. He noted that he did drive by about a week before and saw that there was work going on, but that he did not do a detailed inspection of the site prior to the storm.

Mr. Ward asked if the game plan is to put in an additional permanent basin to take care of the northerly flow, and asked what can be done at the outflow point to divert the water, at least away from their house. He noted that what he saw in the video was pretty much a wall of water coming right down right towards their house. Mr. Moorehead explained that that is the low point and the natural flow path of the water. Mr. Boyer disagreed. He stated that it may be the natural flow path, but that it certainly isn't the natural flow path with an outflow that big and coming out with a volume that it came out with. Mr. Boyer stressed that something has got to be done to make sure that this doesn't happen again.

Mrs. Letendre asked if it can be spread out more. Mr. Moorehead explained that if you spread it out more, it will still go to the lowest spot on the property and pointed it out on the plan. He noted that it will still divert back into the middle of the property. Mrs. Letendre asked what the pond is sized for. Mr. Moorehead noted it is sized for a net reduction in post development flow for a 100 year storm. He noted that the calculations indicate that what would come out of this basin in any storm would be equal or less than the pre-development condition. Mr. Ward asked if the pre-development condition discharges right at that point as a point source. Mr. Moorehead noted that this is the low spot in the property and that this whole section drains to that point. Mr. Ward stated that it goes right towards the abutters' house. Mr. Moorehead confirmed this. Mr. Berry asked if there were problems in the past. Mr. Moorehead stated that he has no knowledge of that.

Mr. Ward asked if there is any way to engineer that system to divert the water to flow in another direction away from their house. Mr. Moorehead stated that he cannot legally divert the water to a different location and explained that if he could physically divert that water over here, then he would be diverting water onto somebody's property that doesn't receive that water today. He noted that this is against State law. Mr. Boyer asked if he could obtain an easement from the people who they've impacted so far to see if he can get it down to Breakheart and down into the complex down there. Mr. Moorehead noted that it is a possibility that the water could be channelized in some manner from this property down to Breakheart. Mr. Boyer noted that if he lived in that house and knew that that happened once, and could potentially happen again, that he would certainly try to come up with some way to eliminate it. He noted that something needs to be done. Mr. Moorehead took a look at the plan, describing the conditions, and pointed out where the water ultimately ends up. He speculated that the only way the water could get down to Breakheart would be some kind of surface swale, and that he doesn't think they could get it into a pipe, because they would have to fill the yard to cover the pipe. He noted that it is physically attainable, but questioned if it is attainable between the parties.

Mrs. Letendre noted that they said that they didn't seed it because it was summertime and that the seed wouldn't take. She asked Mr. Moorehead what they did to stabilize the site in place of

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seeding it. Mr. Moorehead noted that they could put up erosion controls to catch sediment as it flows, but noted that that large of an open earth area there is no way to really stabilize it without vegetation. Mrs. Letendre asked if you could put erosion controls up at various points along that slope to make sure they slow down the water or soil erosion and asked if this is correct. Mr. Moorehead explained that it does and that you do catch a certain amount of sediment, but that some of that sediment is still going to bypass until you get it all vegetated. He noted that there is no really practical way to control that large an area. Mr. Moorehead noted that if they could have got that work done earlier, before summer... He noted that he thinks that they probably did plant but that not much grew because of the heat and lack of moisture. Mrs. Letendre asked if Mr. Surabian could answer the question.

Mr. Surabian noted that he feels very badly that they were impacted. Referring to the additional pond they dug, he noted that the remediation was quick action to try to prevent this from happening to them. He noted that they didn't want it to happen the first time and that they don't want it to happen again. Mr. Surabian stated that the siltation controls were in place. He noted that it was the storm, and that it is his opinion that he doesn't know if there was a discharge from the Route 102 reconstruction onto the property, but that there was a massive amount of water that came off of Rt. 102, and when it came through it blows the siltation control right over. He noted that they have reconstructed all that siltation control. Mrs. Letendre asked if that was in the front of the site and not in the rear. Mr. Surabian noted it is on the front northeastern side of the building, but that it travels right around and blows everything right over. Mr. Moorehead explained that this section of Route 102 discharges at the corner of the property and runs across the back. Mr. O'Loughlin asked Mr. Moorehead if his calculations account for that. Mr. Moorehead stated that it does. He noted that there was some definite scouring there at the paved swale, and noted that the water bypassed the paved swale and went through the rocks. He pointed out where the water was going. He noted that they have since put the swale around what would be Phase 3 to get it over to the new basin.

Mr. Surabian noted that phase 3 hasn't even been built yet and that the pond was designed for phase 3 to be complete. He questioned where all the extra water is coming from. He noted that we just recently had a small storm after he built the auxiliary detention pond in the back, and noted that both ponds were dry. He noted that the new temporary pond that was built isolates and takes most of the highway water. He stated that the original pond is doing its job the way it's supposed to be, and that obviously if it was vegetated it could have helped lower the intensity. He expressed that it is his opinion that the volume of water is coming off the highway, and noted that he is not a calculation guy.

Mr. Ward explained that his position is that he really doesn't care about the excuses of the past, and that he cares about getting it stabilized, and about getting additional detention basins, and he cares that this problem never occurs again. He expressed that it is a design flaw for an outflow to discharge right to a house. He stated that he wants to see results.

Mr. Surabian responded that the auxiliary basin is already built so they've got results. He noted that they put in erosion controls. He noted that they acted within two weeks before this meeting to already make corrections. He noted that the seed has already been planted and noted that the seed that was planted prior to the rain storm is already coming up. He noted that he has tried to

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get some faster growing seed and that he has already seeded three times to try to get the stuff to grow.

Mr. Ward recapped that they are going to submit to Board a new plan showing the additional detention pond and that they are going to work on correcting the discharge. Mr. Boyer added for them to submit an as-built of the structure to make sure it was constructed in conformance with the approved plans.

Mr. O'Loughlin asked Mr. Moorehead if he saw Mr. Cotta's memo and if he had a chance to validate the model. Mr. Moorehead noted that they did not do an exhaustive study. Mr. O'Loughlin noted that he thinks we do need to do an exhaustive study. Mr. Moorehead explained that Mr. Cotta's question was to try to figure out how much water was there that went through. He noted that you have to make some assumptions as to where the basin was when the second storm started, and noted that it was the second storm that caused the big problem. He explained that there is also the fact that the original model was based on this area being grassed, and noted that there is a lot of bare earth out there which has a much higher runoff coefficient. He explained that they did an assumption that the basin was filled to the bottom of the weir when the second storm started and based on an approximated runoff curve number, he figured that the storm event was probably about a 5 inch per hour rain event that took that second storm through. He noted that the real issue is what the site is going to be like when it is done and stabilized and everything is built according to plan.

Mr. O'Loughlin expressed concern that phase 3 isn't going to get done for two more years and asked if the secondary detention pond needs to be bigger. Mr. Moorehead explained that the design is based on full build out. He explained that it will be vegetated until phase 3 is built and that it will be less runoff until phase 3 is built. Mrs. Letendre clarified that the question is whether or not the design will be adequate once phase 3 is built. Mr. Moorehead noted that he can only design it so that the runoff from the site is at or below pre-development. Mrs. Letendre asked how phase 3 construction is going to affect the new temporary/permanent detention basin. Mr. Moorehead noted that the temporary basin will take some of the load off the original basin. Mrs. Letendre asked if construction of phase 3 will affect that basin. Mr. Moorehead explained that the basin has been built outside of phase 3 and that it can remain as a permanent basin.

Mr. O'Loughlin asked that Mr. Cotta's comment was to go through the model and put it to the conditions that were there the day of the storm and to see if the model predicted the same results of what physically happened that day to validate the model. Mr. Moorehead noted that he can't because he does not know how much rain came that day, and that all he can do is make all sorts of assumptions, which really don't tell us much.

Mr. Ward asked Mr. Cotta for his opinion on what he has heard. Mr. Cotta noted that he hasn't heard anything different than what we've seen out there. He noted that he saw an e-mail where Mr. Moorehead modified his model to put the pond up to the weir which was probably a pretty good assumption. He noted that he doesn't believe that there was much drawdown between the two storms over a 24 hour period, and that Mr. Moorehead made a rough assumption of the cover. He noted that Mr. Moorehead basically predicted the storm backwards, which turned out in his model to be a 5 inch storm. Mr. Cotta noted this is probably a little aggressive, but also probably fairly close to predicting what did happen. Mr. Cotta explained that the key is figuring

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out how much rain we had. He stated that he knows it was substantial and that there was a band, especially through Exeter and West Greenwich, which showed on the radar that just kept going straight across us. He explained that some of the rain gauge data that they looked at around the State just doesn't include it and noted that it says we had an inch of water for the two storms combined. The Board agreed that that doesn't sound right. Mr. Cotta noted that he had 4 inches on Sunday in Exeter, and that unfortunately on Monday his rain gauge topped out and he had at least two more inches. He noted that we had a fairly significant two day storm, but that he doesn't know what the data was. He noted that if they could recreate that data then they could work on the model, but otherwise they are guessing it backwards. Mr. O'Loughlin asked if adding the additional basin was factored. Mr. Cotta noted that that hasn't been put into the model yet, and that they just tried to see what happened.

Mr. Ward asked Mr. Cotta if he has heard anything this evening that changes his opinion or the comments from his letter.

Mr. Berry asked if there is any way to capture the water coming off Route 102 and keep it on Route 102. Mr. Moorehead indicated that this would not be possible.

Kevin Breene, Town Administrator, noted that he came here tonight for a lot of reasons on this. He expressed concern for the residents that live in that house and stated that they need to be made whole by somebody. He stated that this is not right. He noted that he was on the Town Council in the early 1980's. Mr. Breene explained that that house used to belong to Smoker Potter, and that he used to have a little small puddle that used to get that way just because of the pitch of the road. He noted that it had nothing to do with water running from his back yard or anything else. He noted that Mr. Potter complained frequently to the Town Council so they had Gary Harrington put in a small drain, made out of stone, and it just runs through the knoll and comes out the other side. He explained that it was never designed to catch water coming off of that hill or anything else.

Mr. Breene pointed out that he is a farmer and stated that this wasn't the worst summer in the world to try to grow anything—he noted that it was actually a very good summer and that there was never a lack of moisture or humidity. He stated that if you planted grass and it is only that tall after 2 weeks then you've got something else wrong. He noted that what bothers him about this is that the day of the storm he was at his farm and at 1 o'clock it started to sprinkle, and within ten minutes it just down poured. He noted that he lives about two to two and a half miles north of this site, and that his rain gauge said 4.1 inches after about an hour and fifteen minutes, and noted that it really came down in that particular short time. He noted that he had to go somewhere and that he passed the Highway Supervisor at quarter past two at the top of the hill. Mr. Breene explained that Mr. Wright couldn't be here tonight, but that he lives on Breakheart Hill Road and is forty-two years old and he's lived there his entire life. Mr. Breene stated that about two-thirty Mr. Wright called him, and told him that he is never going to believe this—we got two foot of water washing across by Smoker Potter's house. Mr. Breene noted that Mr. Wright told him that it pushed in the people that are living there's bulk head door and there is mud in the cellar.

Mr. Breene noted that what bothers him is that these people were there before the Coast to Coast project. He expressed frustration that he has watched this project right from the beginning and

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that the grades have changed tremendously. He noted that they, in effect, took 5 acres of land that used to be wooded, except for the original building, and that they put in these roofs and parking lots and cut a lot of the trees off of it. He noted that if you look at the end of the building where the well used to be, it is way up in the air—so that is a whole grade that is not there anymore. He noted that they did a wonderful job a year ago landscaping the property and getting it all graded up, and then it just sat there for months and months and months. He noted that the end result is that back when we had the flood three years ago, we never had water coming down through there like that. He noted that he went over to their house at 5 o'clock at night and there was four inches of water still going right around their house and right across the road. He noted that Mr. Wright had taken the cover off of that catch basin and that it was taking it as much as it could, and all kinds of silt went down there. He noted that their septic got saturated and these people have a cellar full of mud and that it isn't right. Mr. Breene expressed concern that aside from the fact that it shouldn't happen again, is the fact that it did happen, and that it seems like somebody should take responsibility for it. He noted that an act of God is an act of God, but that we had a bigger act of God than that three years ago and it didn't get flooded out like this. He noted that as Administrator, he's tried to listen to all sides and be fair, but historically he can tell you a lot of the facts. He stated that you can't just clear that all off and not have it vegetated and expect the water not to go somewhere. He stated that you can put in another retention pond, and maybe that will work, and maybe it won't rain four inches in an hour again, and maybe a lot of things won't happen, but these residents shouldn't have to sit there. He stated that they are not the auxiliary drainage for the project. He indicated that somebody told them that they are always going to get a little bit of the spread out water, but that they shouldn't because they never got it before. He reiterated that this is not right.

Chairman Ward thanked Mr. Breene for his comments. He also commented that unfortunately, the Board cannot order any restitution, which would be up to the two parties to work it out themselves.

Chairman Ward recapped that the Board does want to have a design done that is going to provide some assurances, and some overflow capacity, and that is going to make sure that any overflow that goes down isn't inundating their house. He noted that they have a lot of work to do ahead of them, and encouraged them to both talk and get things established and done.

Mr. Scott stated that he couldn't have said it any better than the Town Administrator. He noted that obviously he could provide the same evidence and same information from people in Town who are very familiar with the property. He noted that Dan's Place went by there and saw that they were flooded out and brought them back pizza because he figured they probably didn't have any electricity or any way to cook food, and noted that Dan lives on Breakheart Hill Road. He stated that everybody on Breakheart Hill Road said they've never seen it that bad, and that it is obviously something that has occurred recently that has caused it to be that bad. He noted that everybody knows the storm of 2010 was probably the worst one most of us have seen in our lifetime.

Mr. Scott noted other concerns they have. He noted that they are not sure of the depth of the drainage and noted that if you look at the outlet flow, there is some gravel and some swales on the back side of it, and stated that it is not enough. He noted that they do have a silt fence there but that it is down, and that there are no hay bales. He asked to have those silt fences

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immediately re-established, along with some hay bales with stakes backing them up. He stated that the damage is done and that they hope that they can work with them and get it corrected. He stated that he hasn't had a chance to have his engineer look at this, and that he hopes that anything that is proposed can be reviewed by his engineer.

Mr. Ward asked the residents if they would mind if the Board members want to go down there to visit the site. Mr. Scott noted that they encourage it, because it gives you an idea of the location of that outflow.

Mr. Scott noted that he understands that the RIPDES permit has some requirements and that he will take a look at it. He asked the Board if they are going to require that this issue come back for additional review. Mr. Ward noted that the Board is certainly going to want to see the as-built plan, the additional plan, and what safety precautions they are trying to work on to have the outflow diverted from being directed at their house.

Mr. Scott noted that the other thing he has is that from his understanding, the pond, which is still puddling, and doesn't appear to be exfiltrating. He said he was told that there is still a lot of silt in there and mud in there. He asked if they are going to shovel most of that stuff out of there. Mr. Ward asked Mr. Moorehead if it is correct that once it dries out they can get in there and scarify it. Mr. Moorehead confirmed that right now there is quite a bit of silt in there which is slowing down the infiltration in to the underlying soil. He indicated that it is too muddy to go in there right now, but that once it is dry they can take the silt out and put a layer of sand in there and get it seeded and growing. He noted that once it is stabilized it will preserve the infiltration capacity so that most of the water can go into the ground instead of going over the top. He noted that this is another reason why the water was so intense—because it wasn't going into the ground and it was all just going over. He noted that there was no infiltration capacity. He noted that the new basin that was dug in the back has rotten rock and sand in the bottom, and noted that all the water that flowed into it that we just got more recently from a few decent little storms all just went into the ground.

Mr. Ward asked if they put up silt fences or hay bales. Mr. Surabian noted that there are both. Mr. Ward asked if they are spaced out throughout the swales. Mr. Surabian said yes. Mrs. Letendre asked what is on the downhill side of the basin. Mr. Surabian noted that there is a spreader with rip rap there, and below that there is silt fence that has been blown over and needs to be repaired. He noted that he will do that immediately.

Mr. Scott asked what the depth from the bottom of the basin to the groundwater. Mr. Moorehead explained that it is 4 feet. Mr. Scott asked if they did a soil analysis and what kind of soil is under there. Mr. Moorehead noted they did and that it is silty gravel which is soil with a fairly good infiltration rate. He noted that the basin was designed so that the bulk of the water would infiltrate. He explained that this was part of the problem that they couldn't get that infiltration, and so that water had to go over instead of going into the ground. Mr. Scott asked what kind of vegetation was on the site prior to clear cutting. Mr. Moorehead noted there was a mix of pine and deciduous. Mr. Scott asked if this was very good drainage. Mr. Moorehead stated yes, and explained that the test holes showed that the upper end of the site is fairly shallow ledge and that through this area of the site the soils are pretty good with gravels, silty gravels, and rotten rock.

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He explained that all the test holes that were dug out at various steps were read dry in the wet season.

Mr. Boyer addressed Mr. Moorehead and acknowledged that he was the point guy here tonight and that he knows that he took the bulk of everything. Mr. Boyer then addressed Mr. Surabian and expressed his opinion. He stated that he agrees with what the Town Administrator said. He stated that these people were impacted by no fault of their own, and he thinks the decent thing to do is to make them whole, as the Town Administrator said. He noted that the mud in their house is not theirs, and the damage that was done to their property is not a result of anything they did. He said to Mr. Surabian that it is a result—directly or indirectly—and mostly directly, in his opinion, from this project. He stated that he would hope that these guys would do the decent thing and take care of them. He noted again that this is his opinion.

It was noted that this will be continued to next month.

Mr. Berry asked about the topography and if there is any way to move the overflow spillway to a different point. Mr. Moorehead noted that they could move it but that even if they moved it to this end, the water is going to follow the contours and it is going to end up at the same spot. Mr. Boyer pointed out unless they do a swale like we talked about before with an easement. Mr. Moorehead noted unless there was an easement and an agreement to re-grade to allow the water to on either side of the property, but that would be between the parties. Mr. Berry asked if there was any way to adjust the spillway to have it come back onto their own property. Mr. Moorehead noted there is not, and explained that the water is going to go to the lowest spot. He repeated that this is unless they can change the grade on the abutting property, which they can't do without an easement and agreement.

Mr. Ward noted that the Board is going to be looking for the as-built plan for the construction that has occurred, a permanent detention pond to take care of the north side water, and also to get a status on the safety precautions for the outflow so that the abutter is protected. It was noted that the Board members can go out there on their own when they can. Mr. Ghazarian gave permission for the Board members to go on the Coast to Coast property also.

It was noted that this will be on for the October meeting. Mr. O'Loughlin asked that they redo the model and see if the original pond gets to the point it was, whether it gets full of sediment three years from now, that the additional retention pond is enough to take the water coming off of Route 102. Mr. Moorehead will try to address this properly.

Sandy Bockes, from the Conservation Commission, noted that these types of storms are becoming the new normal, and that maybe the calculations need to be made bigger to account for that.

Mr. Boyer left the meeting at 8:10 p.m.

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

Attorney John Pagliarini approached the Board. Mr. and Mrs. Waltonen were present in the audience.

Mr. Pagliarini noted that the proposal this evening is to make the property 100% commercial. He noted that the proposal is that TLC over on Mishnock Road would like to move corporate headquarters to this location. He noted that the signage that is there will remain, and that the content will change seasonally due to the Waltonen’s other affiliated businesses.

Mr. Pagliarini noted that Valerie Drive started out as a private right of way, and that the legal documents state that it can be used for any legal purposes that a highway can be used for, and that it is his opinion that they can use Valerie Drive to enter and exit the property. He noted that Waltonen’s negotiated a right of first refusal to purchase the property to the west at the time it goes for sale within the next ten years. He noted that in addition to that, they have an easement of 50 feet for buffer purposes over that property today, which was recorded. He explained that this is why the plan shows the parking lot very close to that property line.

Mr. Pagliarini noted that the property will need a new ISDS, and that they are proposing to keep the existing opening on Nooseneck Hill Road. He noted that they are proposing parking behind and some in front of the building. He noted that Valerie Drive is an unimproved right of way and that they are proposing to pave the apron to DOT standards at Route 3. He noted that the problem they have with paving Valerie Drive for the length of the depth of their property is that it is going to exacerbate drainage issues, in his opinion. He stated that the water that comes down Valerie Drive will necessitate some type of drainage and that there is no place to put the drainage there.

Mr. Pagliarini noted that the concern is going to come down to what the use of the property will be and what the intentions of the Waltonens are. He noted that there are three Permitted uses in Highway Business that he proffered to the Board, that fit what they would like to do there. He discussed proposed Use Code of Horticultural Services 113, and noted that this will take care of the desire to put small mulch piles and stone piles in the concrete bays that will be on the rear of the property. He noted that use 607 is Holding and Other Investment Companies, and explained that this is a catch-all that he thinks is applicable to the Waltonen’s multiple businesses. He noted that they own a lot of different businesses and a lot of different real estate and that they are looking to have a centralized office to run everything out of. Chairman Ward asked Mr. Pagliarini if these uses have been run by the Zoning Official and gotten his approval. Mr. Pagliarini noted that they have not. Mr. Pagliarini continued noting that Use Code 571 is Retail Furniture, Home Furnishings, and Equipment, and that he believes that this is the use code that permits the leasing of small equipment inside the building.

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Mr. Pagliarini noted that his expectation is that you are not going to see the Waltonens' dumpsters outside. He noted that this is not what they plan on using this site for. He stated that you are not going to see the big heavy equipment out there. He noted that eventually they would like to put some of the small leasing equipment outside, but that this has yet to be determined.

Mr. Pagliarini stated that he doesn't know if anybody is going to have any objections under the Equipment Code of 571 to lease small items out of the building, such that you would pull up to the garage door and get a seeder or some kind of hand tools, which will be kept inside, out of the visual of the exterior.

Mr. Pagliarini explained that this is the intended use and that the Waltonens needed more space. He noted that this is a much more visible site that they feel would be a good retail point of purchase site. He noted that if you pull up with a pick-up truck and you need a bobcat full of mulch, you can get it here, and that that if you need a 10-wheeler full of mulch, they call it in and you go down and pick it up at Mishnock Road. He noted that this is to let people understand what their products are, but in small point of purchase sales. He noted that additionally, this is more of a corporate headquarters for their business. He noted that they are very aggressive in their business operations and that they are limited in their current space and that they see this as an opportunity to have an office removed from their current facility.

Mr. Pagliarini noted that the engineer will deal with septic and drainage as needed. He noted that they are not anticipating putting any lighting that will be objectionable to anybody there. He noted that they don't expect this type of business to have any traffic after dusk, so that lighting is not a major concern to them.

Mr. Ward asked if the mulch piles are going to be located out back. Mr. Pagliarini clarified that they are up front. He called Mr. Tim Behan, PE, to talk about the layout.

Mr. Behan pointed out the locations of the bins. Mr. Ward asked if they are out front so that they are visible to display that there is mulch. Mr. Behan confirmed this. Mr. Ward noted that this is not advantageous from his perspective and asked if they could be located more to the rear or beside the house. He noted he understands that Mr. Waltonen wants to sell it, but that it would be much more aesthetically pleasing driving by and having the mulch in the back. He asked them to look at relocating the mulch piles.

Mr. Ward asked for a copy of the buffer easement document. It was noted that it is currently in its natural state.

Mr. Ward asked Mr. Behan if he has filed the ISDS application. Mr. Behan noted he has not and that he wanted to get some feedback from this meeting before that.

Mr. Ward noted that the use needs to be deferred to the Zoning Official for a decision.

Mr. Ward noted again that the mulch piles need to be moved out back, and that they might need to relocate some of the parking to do that.

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Mr. Wallace noted that Valerie Drive does get quite muddy when it rains, and it was sandy when he went out there today. He expressed concern of that especially if they are going to have traffic coming in to get mulch and that they are going to just dig that road right up. He noted that they would have to pave it to their side entrances on Valerie Drive for the loading and the parking lot. Mr. Pagliarini noted that they will review that. Mr. Ward added for them to consider storm events and when it is muddy with trucks going in there. He included for them to make plans to get some sort of pavement down on Valerie Drive.

Mr. Berry asked if the Board is going to get the Uses in writing so that it can be reviewed. Mrs. Letendre noted that she reviewed the memo by the Town Planner and that she also has her own opinion on what use code applies. She noted that since the general idea is to limit the actual retail sales at this location and not have it be the store where everybody picks up their equipment, that the principle use would be the General Contractor Office code 160, with accessory retail trade and retail farm and garden supply. She explained that this is the type of balance that the Board may be looking for here, that it is primarily an office headquarters, and that the garden supplies may be purchased here, but they are picked up elsewhere. Mr. Pagliarini asked why she sees it as that particular use for Contractor, and noted that that particular use implies that they are running a construction company out of that site. Mrs. Letendre noted she would be open other office uses if they were more applicable, but that it would be up to the Zoning Official to determine which one it is. It was noted that the Zoning Official needs to determine this.

Mr. Berry questioned the signage. He noted that they have a picture from a year ago of the site and expressed concern with a truck parked out front with advertising on it. He questioned if trucks are going to be parked out there for advertising. It was noted that this couldn't happen if the parking is in the rear. Mr. Pagliarini noted that they will address this with the revised plan. Mr. Ward mentioned again the site aesthetics and the mulch piles.

Dan Cotta asked Mr. Behan if he proposed pervious pavement. Mr. Behan noted yes, and explained that it is a crushed stone reservoir under a pervious surface. Mr. Cotta noted that a concern is the mud getting tracked in from Valerie Drive onto it and sealing the pores. He noted that pervious pavement is great but that there is a lot of maintenance to it. He explained that it has to be vacuumed or swept. Mr. Berry asked if this is another reason to pave Valerie Drive. Mr. Cotta noted that it should be definitely looked at. Mr. Behan agreed that mud would be an issue.

The Board took a five minute break and reconvened at 8:41 p.m.

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

“Pine Estates Phase 2” – AP 53, Lot 5-1

--off Hopkins Hill Road: new Town road proposed

Owner: William and Karen Pine; Applicant: Shoreline Properties, LLC (Joseph Catelli)

Attorney John Brunero approached the Board representing the applicant. Mr. Joe Catelli was present, as were Tim Behan, PE and Mike McCormick, PLS.

Mr. Brunero introduced the project and noted that the parcel is 84 acres. He noted that they have submitted both a conventional layout and a conservation layout. He noted that this is an extension of the 5-lot subdivision of Pine Estates phase one.

There was discussion on setting a date for a site walk to see if this land is suitable for conservation development. A date was set for Thursday, September 26<sup>th</sup> at 5 p.m., to meet in the cul-de-sac. It was noted to invite the Conservation Commission and the Land Trust, and to send them the plan also. It was noted that this will be continued to next month to discuss the results of the site walk.

There was discussion on other conservation properties in the general area and what conservation groups that may be interested in this property and other properties in the area.

**PLANNING PROJECTS**

**Village Zoning-** for discussion

There was no discussion.

**REPORTS AND SPECIAL ITEMS**

Ms. Paquet passed out a handout for a Design Workshop being put on by GrowSmart, and noted that there is a statewide planning project going on right now called RhodeMap RI.

**ADJOURNMENT**

**Motion** to adjourn. Berry-Wallace (4-0). The meeting ended at 9:03 p.m.

## WEST GREENWICH

October 21, 2013

### PLANNING BOARD MEETING

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A regular meeting of the West Greenwich Planning Board was held on Monday, October 21, 2013 in the Louttit Library's Elsie Palmgren Oltedale Community Center. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, and David Berry. Alternates Bill Bryan and Brian Wallace were present.

Assistant Town Solicitor Nancy Letendre, Town Planner Jennifer Paquet, and the Town's consulting engineer, Dan Cotta, PE, PLS of American Engineering were present.

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

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It was determined that there was a quorum.

Motion to change the order of the agenda items to hear Coast to Coast first. Boyer-Regan (5-0)

**Minor Land Development Project: Preliminary Plan** (approved June 18, 2012), cont.

"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.

--Status of completion of improvements to site; and drainage

Present for Coast to Coast were project engineer Scott Moorehead, PE of SFM Engineering Associates, and construction contractor Paul Surabian of Douglas Construction. The site owner could not make it this evening.

Attorney Joe Scott was also present with Mr. and Mrs. Robinson, in the audience.

Mr. Moorehead approached the Board and noted that the As-built plan of the site and revised drainage calculations have been provided. He noted that he determined that the drainage basin as built is actually a little bit larger than designed for storage volume. He noted that they added a sediment basin in the back corner, which takes most of the water from the roof and the northerly part of the site into that basin through a swale, which would then overflow to the drainage basin and then ultimately discharge. He noted that the report indicates that there is substantial reduction on the original design outflow, and even more substantial reduction in peak flow from the pre-development condition. He noted that it shows no discharge for up to the 10 year storm, only a slight discharge of 1 cfs for the 25 year storm, and that the 100 year storm is reduced by about a third of what the predevelopment conditions would be.

Mr. Moorehead noted that the site has begun to stabilize quite well and that there is quite a bit of grass growing that still needs some time to grow to a good height. He stated that he thinks that they've made a good step towards resolving this situation and that as long as they can keep the vegetation developing before we get any major storm events and before erosion, that they should have a satisfactory solution. He noted that when Phase 3 ultimately gets developed, that they would need to make some modifications to turn the temporary basin into a permanent basin and probably some minor modifications with the grading and swales at that time.

Mr. Moorehead noted that he made a few references of a few items that need to be taken care of on the site plan, and that Mr. Cotta has echoed these in his report. He noted that Mr. Surabian has said that he will go and make those minor modifications they need to the erosion controls and swales.

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Chairman Ward noted that last time it was discussed as a definitive guarantee that perhaps a swale be put on the abutter's parcel. He noted that he realizes that this would take some legal work. He asked if they had walked the parcel to look at it. Mr. Moorehead noted that he walked it with Mr. Surabian and that there is certainly the ability to provide a swale on one side or the other of the existing house. He noted there would need to be some sort of agreement between Mr. Ghazarian and the abutting owner before they could actually implement such a thing. Mr. Ward noted that he went out there after the last meeting and that he would like to commend Mr. Surabian, as he did install the check dams and start all the seeding, as he said he would at the other meeting, but that unfortunately, it was after the major storm event occurred.

Mr. Ward stressed that the Board really needs to get a guarantee that this incident won't happen again, and can't happen again. He asked Mr. Cotta for his comments. Mr. Cotta explained that he reviewed the revised drainage report based on the as-built conditions and noted that he concurs. Mr. Ward asked Mr. Cotta if the flooding situation of that magnitude could possibly occur again based upon the revisions. Mr. Cotta noted that there were a lot of things that contributed to the flooding. He explained that the pond didn't drain, and that he is not sure that even if it was properly draining, that the back to back storms were probably equivalent to a 100 year storm, he would assume. He noted that he would like to monitor it through the winter to make sure that it does drain and perform according to the calculations. He noted that if they get a 3 inch rain, theoretically it should rise so many inches, so that can they can get a pretty good feel on some smaller storms. Mr. Ward asked if he has the ability to monitor it during the winter. Mr. Cotta noted that typically they do monitor some of the sites that were asked of and that he could swing by on some of the known rainfall events.

Mr. Ward asked Mr. Moorehead if they have any objection to the Town checking it out. Mr. Moorehead noted that they do not, and pointed out that the calculations are based on the fact that the soils are in place to infiltrate at the rate that they anticipate, and that it gets maintained and doesn't get silted up and clog again. He noted that it really should be inspected by himself, the contractor, and the Town's consultant during this time period while it is being stabilized, to make sure it is functioning properly, and that we don't have a problem because it is not maintained. He noted that right now, it looks really good and that they are moving towards the right solution. He noted that as long as that vegetation gets established before we get any kind of erosion or major storm events that could impact what they've built, that they should be in pretty good shape.

Mr. Boyer asked Mr. Moorehead if he is providing the owner with some type of scheduled maintenance. Mr. Moorehead noted that there is a maintenance plan in the stormwater report and on the notes on the plan. Mr. Boyer noted that he wanted to make sure that they have it so the owner maintains and takes care of it, because obviously if it doesn't get maintained, this could happen again.

Mr. Ward referred to the Town engineer's report and made sure that everyone had a copy. He asked if anyone on the Board had any questions.

Mr. Berry asked Mr. Moorehead to clarify that with the way this is built now there will be one third less runoff than what it was before any construction started. Mr. Moorehead explained that

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with the presumption of fully established vegetation and with maintenance of this basin, that the calculations show the 100 year storm of about 10 cfs, versus over 30, which is a substantial reduction. Mr. Berry asked if that means that the swale down through the abutter's property may not be needed. Mr. Moorehead noted that there would still be some flow through that property, and explained that the real problem with that property is that the lawn area around the house is very flat. He noted that light rain will eventually flow, but that the heavy rain that we had coming down was just spread over too large an area and eventually got to the house. He noted that he didn't see it, but that is how he understands it. He noted that what the Chairman had mentioned was to somehow construct a swale that would make a more defined path from here to the road, so that even if we get some kind of large storm where water will flow from this basin, that it doesn't run close to the house, but somehow gets around the house safely. He noted that it is certainly a good belts-and-suspenders approach that if we get a lot of flow here, it doesn't impact the house, but runs through the property and makes a puddle in the road until it flows over the top of the hill. He noted that it would be subject to agreements between the two property owners and whatever legal requirements need to be in place beforehand. He noted that they would have to discuss where they are going to put that swale and what types of easements would be required and if there is indemnification, etc. Mr. Ward asked if it is not out of the question if those hurdles can be overcome. Mr. Moorehead noted that from an engineering perspective, it is certainly doable because there is plenty of pitch from the back of the property to the front. He noted that technically, it is very easy to do.

Mr. Bryan asked about how much of the fact that there is now a concentrated outflow versus a more uniform outflow from the predevelopment conditions, is contributing to creating that potential condition. Mr. Moorehead explained that it is really not that concentrated because this was the low area on the site, and explained that whatever was flowing off the site before would have funneled down to this point, and instead of putting a pipe discharge, he put it into a 100 foot long level spreader to mimic the area the water would have flowed through. He noted that obviously what we saw with those two storm events was a very intense situation because the pond filled and then the second storm just spilled right over unchecked. Mr. Bryan pondered that in 2010, when we had the severe flooding, that he is sure we exceeded the event that arose to this problem, but that he doesn't believe that is what occurred. Mr. Moorehead noted that he can't speak to that one way or the other. Mr. Bryan noted it is speculation, but that it is what it is. Mr. Moorehead noted that what they saw in this severe rain event, with this design as built and functioning, he is showing that the 100 year storm overflow from this site will be substantially less intense than what happened during that storm event.

Mr. Ward noted that there was a major event (referring to the March 2010 flooding) that did impact the residents down there, but that he doesn't think it was as severe as this time. He noted that these residents were at the meetings and were guaranteed that this incident wouldn't occur. He noted that this is his recollection from when the Board was approving this plan originally, and that he does recall that the residents were rather vocal about the previous conditions that had affected their property.

Mr. Regan asked about the five outstanding items and asked if they are going to get addressed, and pointed out that we are running out of time on growing grass. Mr. Moorehead noted that it has all been seeded, and that one of the conditions is that it may need to be reseeded in the Spring. He noted that the erosion noted in item 2 can be taken care of right away. Mr. Regan

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asked about the plantings in item 4. Mr. Surabian explained that he would like to do that in the springtime because he doesn't want to disturb anything else on the site until spring, because every time they go in there they are stirring up dirt, and that all he wants is for vegetation to grow at this point. He noted that the erosion controls are mostly hay bales at this point. There was discussion on the landscape buffer. There was discussion on the weir in item 5. Mr. O'Loughlin expressed concern of these things not getting done now and if there is a big storm in the Spring, for example, if the pond isn't deepened. Mr. Moorehead noted that the biggest thing that they need to do between now and spring is control erosion, because that is what got them into trouble in the first place with the sedimentation in the pond. He noted that there is ample swale to direct the water. He noted that he can review with Mr. Cotta how much work can be done now versus how much can be done in the Spring. Mr. Bryan noted that there needs to be a date certain. It was decided that this would be on for the March 2014 agenda. Mr. Boyer added that if there is another event before now and then before the ground freezes, the Board needs to be assured that the sediment is going to be taken out of the basin so that it doesn't go through the winter like that. He noted that if it does silt up it needs to be remedied. Mr. Moorehead noted that it needs to be inspected on a regular basis. Mr. O'Loughlin noted that it should be inspected before any storm event to make sure everything is in order, not just after the storms.

Chairman Ward opened to comment from the audience.

Attorney Joe Scott asked if the rip rap spreader could be made wider. Mr. Moorehead explained that the water is still going to concentrate to the low point, and pointed out the contours on the plan.

Mr. Scott asked about the landscaping buffer and the lighting issue, and noted that the Robinsons are getting a lot of bright lights shining down to their house. He asked if the buffer won't be done until spring now. Mr. Ward explained that it will be done in the spring. He noted the lighting is supposed to be dark sky compliant and asked Mr. Surabian if the lighting on the outside of the building is dark sky compliant. Mr. Surabian noted that the new lighting is dark sky compliant, but that there is existing old lighting that needs to be replaced with dark sky lighting. Mr. Ward asked if they will do this now since they can't get the landscaping in. Mr. Surabian noted that Mr. Ghazarian has authorized him to move forward and noted that he is waiting for the fixtures to be engineered. It was noted that this would be done before the March meeting.

There was discussion on the location of the landscape buffer and it was noted that the trees are going at the top of the berm to be a more effective buffer.

Mr. Boyer asked Mr. Moorehead if some sort of an earthen berm sequence could be installed between the property line to some extent going towards their house, to divert the water off to the sides instead of towards their house. Mr. Moorehead and Mr. Boyer discussed this. Mr. Boyer noted that a trench easement should still be pursued, and if nothing else, this is one further step to ensure this never happens again. He noted that we don't know whether it is going to happen again or not, and that this is based all on the numbers, but that we don't know what is going to happen and that we need to come up with some kind of solution, so that if it does happen, that the Robinsons are not impacted. Mr. Ward reiterated that he was pretty adamant that the Board wanted a guarantee that there is a permanent resolution, and that this may be the only way to do

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it. Mr. Ward directed the applicant to look into this, and to work with the owners and Mr. Scott to find out what is required. He noted that the Board definitely wants to have a guarantee for the Robinsons that they won't be adversely impacted again by another freak storm, which is likely to hit our area.

Mr. Ward recapped that Mr. Moorehead and Mr. Cotta will address items 1 through 5 on the checklist and that Mr. Moorehead will continue to get a definitive and permanent resolution to any drainage outfall onto the abutter's property.

Mr. Boyer asked Mr. Surabian if the owner of Coast to Coast has entertained any idea of doing some kind of easement or drainage swale with the abutters, and if there is the possibility that this may happen. Mr. Surabian noted that the three of them walked the lot together and came up with a conceptual plan. He noted that it was all contingent on the revised calculations for the volumes and the decreases. Mr. Boyer confirmed that there is the possibility that this could work out. Mr. Ward noted that the Board is very impressed with what they have done so far, but that he doesn't see that as an answer that this will never happen again, and that he is positive that we will have more freak storms in the future. He noted that he wants to make sure that the Robinsons are taken care of and are protected from any injury in the future. Mr. Bryan noted he would like to see something in writing as a response to Mr. Cotta's comments and something in writing documenting the commitment to when things are going to be done, or to have them report back each month on the status of working with the abutters. Mr. Ward suggested letting the engineers meet on site and get a written report regarding the outcome of their meeting and what the time table is, and we'll put them on the agenda in March. He noted that the Board will be looking for input from Mr. Cotta for establishing deadlines. Mr. Boyer added to have the agreement for an easement before the winter and asked if this is something that can be done. Mr. Surabian explained that his thoughts were that they would come out of this meeting knowing what kind of volumes they are dealing with now with reductions, and to have Mr. Moorehead come up with a plan. He noted that what he has to do is try to address the cost, and that they also have to see if the abutters will even allow this to happen, in addition to addressing the neighbor's next door, whose driveway encroaches across the property. He noted that if they can make all that doable, he wouldn't go out there with any excavation until spring, because otherwise it would just be a mud bath. It was noted that the March date is feasible for them to come back. It was noted that if they come up with a plan to get it to the Planner for the Board to review, and one to the engineer. Mr. Moorehead noted that they will keep Ms. Paquet and Mr. Cotta informed, and if there is something that can come in before March, they will

Ms. Paquet noted that the engineering account also needs to be replenished.

### **CONSENT AGENDA**

Motion to remove the Carrs Pond bond item from the consent agenda. Boyer-Bryan (5-0)

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

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**Request for Bond Release (CA)**

Orion View Drive: Bond for Guardrail along frontage of AP 51, Lot 7-15  
"Owl Ridge" Major Subdivision  
Developer request for bond release, DOSCO, Inc.: \$10,000

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

**Request for Maintenance Bond Release**

"Carrs Pond Estates" Minor Residential Compound – AP 2, Lots 6 & 12  
--off Carrs Pond Road; conditional final approval granted on April 16, 2012; holding \$10,000  
Owner/Applicant: Carrs Pond Associates, LLC (Michaels and Steve Kent and Carmine D'Ellena)

Ms. Paquet passed out the pictures from the inspection. There was discussion on the erosion issues.

Mr. Cotta noted that the site has matured well. He noted that the sump should be cleaned, and the rip rap should be repaired. He noted that it doesn't relate to the bond, but that there is an erosion problem on one of the lots, which should be addressed because it is running silt down toward the pond, and that it is going to get worse.

There was discussion on having the items completed before next month. Ms. Paquet asked which items need to be addressed. It was noted to fix the pot holes and everything.

Motion to have the Planner send the developer notice to complete the items in the engineers report prior to release of the bond. Berry-Regan (5-0).

**Minor Development Plan: Preliminary Plan** (approved February 11, 2013), cont.

"Roch's Fresh Food" -- AP 49, Lot 4-2

--at 865 Victory Highway (access off Arnold Farm Road); Zoning: Highway Business  
Redevelopment of old Coca-Cola warehouse and distribution site into Produce warehousing, washing, chopping, and distribution.

Owner /Applicant: Roch's Fresh Food West Greenwich, Inc. (Ray Roch)

--Status of completion of improvements to site

Mr. Timothy Behan, PE of TJB Engineering approached the Board. Mr. Behan noted that they have met with the site landscaper and that they have ordered the plants and are mobilizing this week at the site. He noted that they have cleared the trees above the retaining wall, which will be landscaped, and in front of the building will be landscaped as well. He noted that they received the Fresh Water Wetlands non-jurisdictional permit today, but that it did not reference a RIPDES number, so he put a call in to find out. He noted that if there is a RIPDES number, then they are ready to complete the drainage work.

Mr. Behan noted that the photometric plan has not been completed to date, but that Mr. Roch has authorized him to hire someone to do it.

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The Board asked about the landscaping for the whole site. Mr. Behan noted that if there is a RIPDES permit, he can complete the whole site.

Mr. Wallace asked if there was a change for the generator. Mr. Behan showed the new location for the generator on the side of the building.

It was noted that there are no more proposed changes, and the Mr. Cotta can now review the revised plan.

**Major Residential Subdivision: Pre-application Plan, cont.**

“Pine Estates Phase 2” – AP 53, Lot 5-1

--off Hopkins Hill Road: new Town road proposed

Owner: William and Karen Pine; Applicant: Shoreline Properties, LLC (Joseph Catelli)

Mark Boyer recused himself from this agenda item, and left the meeting for the next few agenda items.

Attorney John Brunero approached the Board along with project engineer Timothy Behan, PE. Mr. Brunero noted that there was a site walk.

Mr. Behan discussed the site walk and noted that they walked the proposed open space land, and across the brook area.

Mr. Behan noted that they also met with one of the homeowners abutting the site who had some drainage problems based on the 2010 rain storm. He noted that the abutter has a depression in his back yard that filled up with several feet of water, and that he just wanted to bring that to everybody's attention so that when this project gets developed it won't be aggravated.

Mr. Ward noted that he was on the site walk with Mr. Wallace for the Planning Board, and that he agrees that preserving that parcel would be a benefit for the Town and that it was a pristine piece to go forward with the conservation design. Mr. Wallace concurred and noted that once you get up higher on the elevation there it is nice and flat and that it is a very nice piece of property. He noted that there are a lot of surrounding properties that if it came into play to be conservation land, it would be a nice place for the Town.

Mr. Brunero noted there is a long way to go and that as long as they have the feeling to go with the conservation development they will do it.

Ms. Paquet noted that she has sought formal comments from the Land Trust and the Conservation Commission, and that the applicant should go to those meetings. The Board encouraged that those boards schedule the meetings as a joint meeting.

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

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

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

Proposed uses: office, retail landscape materials, small rental equipment, and outdoor product display

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

Attorney John A. Pagliarini, Jr. 3913 Main Road, Tiverton approached the Board. Engineer Tim Behan accompanied him with the revised plan. Mr. and Mrs. Waltonen were present in the audience.

Mr. Pagliarini explained that they have revised the plan in accordance with the Board’s request, locating the material bins to the rear of the property. He noted that they decided to not have any entrance on Valerie Drive, which would take out of play the paving of that road. He noted that there would be interior circulation.

Mr. Pagliarini noted that there is request for an advisory opinion to go along with this application and asked the Board to hear the two items at the same time. Mr. Pagliarini noted that they went to the Zoning Board meeting last week and got a lot of institutional knowledge of the site from Chairman Jones. He noted that the Zoning Board continued their meeting and that they amended their application at that meeting based on the new information, to seek one residential unit and one commercial unit. He noted that the pending application before the Zoning Board right now is for a mixed use property of one residential and one commercial unit. He noted that within the commercial unit would be all the permitted uses proposed, and the Special Use Permit for the leasing of the equipment under the hardware category. Mr. Pagliarini discussed the use codes he picked out to avoid the contractors’ equipment that he knows the Board doesn’t want on this site. He noted that the intent is to have a small floor area of about 500 sf to 450 square feet for leasing small equipment on site, and the rest will be office for the corporate headquarters for all the Waltonen’s various different businesses. He gave an example that if you wanted to lease a space in a storage unit on Mishnock Road, you might have to come to this place to sign the paperwork. He noted that there will be no dumpsters on site as far as the ‘for-rent’ dumpsters. Mr. Pagliarini recapped that they are seeking permission with zoning for one residential unit and one commercial unit under the uses that they had, and that they feel that use code 525 is the most limiting that allows what they want to do and what the Board wants.

Chairman Ward asked Mr. Pagliarini if he has gotten the Zoning Officer to agree with that use code. Mr. Pagliarini noted he had not. Mr. Ward noted that ultimately the Use Code needs a final determination from the Zoning Officer. He noted that he agrees with the logic and that it sounds reasonable and is in the best interest to protect the interest of the Town to keep the heavy equipment out. He reiterated that the use code is issued by the Zoning Enforcement Officer.

Mr. Ward asked about the parking and noted that the handicapped parking was in the back. Mr. Behan responded that the primary handicapped entrance and the main entrance for the commercial are dedicated at that location. He noted that there is also a door out front. It was noted that there wouldn’t be any large trucks parked out front.

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Mr. Berry asked what prevents cars from getting into the site from Valerie Drive. Mr. Pagliarini explained that they are proposing to put boulders and white pines there.

Mr. Ward asked if they would object to a restriction that the parking is for customers, residents, occupants, and employees of the business, and that there is no storage of the commercial vehicles there.

Mrs. Letendre asked for clarification on the mixed use site and the relief that is being requested. She noted that there needs to be a definitive determination by the Zoning Officer as to what the legal use of the property is. It was noted that this needs to be known before they move on with the Zoning Board, to the extent that the use that they have affects the site plan. She noted it is premature for the Planning Board to review it, and that maybe there is no need for the parking in the front. Mr. Pagliarini noted there would be extra parking if it goes to a residential unit on fifty percent of the building, and that this would be the maximum parking regardless of the use of the site. He noted that he doesn't know if the Town has any definitive information either in support or against what it is, and that he thinks that the Zoning Board would be the final arbiter of what the use should be. He noted that he hasn't seen anything from the Zoning Officials office of what it is. He noted that there are missing records and that nothing was recorded in the vault, and that he fears the information they are looking for is in those missing records.

Mr. Pagliarini noted that as far as the site plan, that they have implemented the changes from the Board pertaining to the dumpster, buffer, the parking, Valerie Drive and noted that the lighting and landscaping will be compliant.

Mr. Berry noted that the mixed use was a curve ball for him, because the Board was ready to proceed with a commercial development, and now it is a mixed use development, which may not be grandfathered. Mr. Pagliarini noted that there would be fewer vehicles pulling in and out of Nooseneck Hill Road and that it would be a cleaner site with less commercial than residential. Mr. Berry noted he would have to think about this.

Chairman Ward noted that the applicant has done what the Board wanted for the site plan, but that we are stuck on the zoning opinion that would need to be put forward. He noted that the Zoning Board has put a lot of their comments conditional on the Planning Board's approval and stipulations, and he asked the Board members what they thought about issuing an advisory opinion based upon getting approval from the Zoning Enforcement Officer. Mr. Wallace noted that the plan is compliant to what the Board was looking for, and if it is going to be mixed use then the Zoning Officer has to make that decision. Mr. Regan, Mr. O'Loughlin, and Mr. Bryan agreed that the Zoning Official has to take an action. There was discussion on if they don't get approval from the Zoning Official, that it then goes back to what was presented last month, and that this site plan is sized for certain commercial with the parking. Mr. Behan noted that there is more than enough parking if it was just office, and that the factor that drives the number of parking spaces is the fraction of the retail, which has the highest unit parking requirement. He noted that right now the parking is sized for only 450 square feet of retail. He noted that they can't exceed that or they would need another parking space.

There was discussion on the process to move forward, and approving the commercial site plan, with the condition that the Zoning Officer decide on the residential. Mr. Berry asked about the

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signage. Mr. Pagliarini noted that there is an existing sign that they will keep and just reskin. Ms. Paquet noted that these revised plans haven't been reviewed by herself or Mr. Cotta yet. Mr. Berry noted that there needs to be a landscaping plan. There was discussion on the advisory opinion and a possible conditional approval. Mr. Berry expressed concern with all the contingencies.

Mr. Dominic Fiorio, 27 Valerie Drive, expressed concern of safety issues with visibility and noted that the Board has addressed the issue with blocking off Valerie Drive. He expressed concern of visibility coming out to Route 3 when vehicles park on either side of the intersection, and noted that you can't see coming in or out. He noted that the mail boxes are also out on Route 3 and that the residents have to stop to get their mail, and that there are visibility and safety issues. It was noted that there was a major accident on Route 3 last Saturday. The Board noted that the issue is with the visibility pulling out of Valerie Drive onto Route 3. Mr. Berry noted the parking spaces out front and asked if there would be an issue with the ones out towards the entrance. Mr. Behan noted that the edge of pavement for Nooseneck Hill Road is significantly further out than the property line and noted that the parking spaces are another 10 feet past the property line, and noted that there won't be any visual impact. Mr. Ward asked if they are planning any landscaping out there. Mr. Behan noted that the landscape plan hasn't been completed yet, and that if there is any planting within the sight triangle it would be very low in nature. Mr. Fiorio noted that there is a vehicle parked there now on the corner and that it is affecting visibility. He showed the Board a picture of the parked vehicle. The Board noted that the vehicle needs to be moved. Mr. Fiorio asked what the Town can do to prevent Valerie Drive from being used as a parking lot. It was noted that the Town can't put 'No Parking' signs on a private road.

Mr. Berry asked if the parking lot will be paved. Mr. Behan pointed out the areas of crushed stone base with recycled asphalt and the areas that are paved. Mr. Berry asked how to stop the cars from parking or backing out on the lawn. Mr. Behan noted that there are curb stops proposed.

It was noted that the Zoning Board meeting is after the next Planning Board meeting. The Board decided to continue to November and in the meantime to have the plans reviewed and have time for the Solicitor to look at the official use, and to have the landscaping plan submitted and with the signage included on it. It was noted to have the consulting engineer's input on the design and to have the engineers work on the comments, and to have the input from the Zoning Official stipulating the status of the residential mixed use component.

Motion to continue to the November meeting. Berry-Wallace (5-0)

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#### **Major Residential Subdivision: Pre-application Plan**

“Jack’s Place, Section 2” – AP 28, Lot 25-1

--on Stubble Brook Road: frontage lots proposed (potential for further internal subdivision)

Owner: John Koszela, Jr.; Applicant: Soscia Construction Ltd. (Bruce Soscia)

Attorney John Brunero approached the Board. Mr. Brunero noted that this is probably the last of the frontage lots out of this parcel, and that there is an opening for the future development of the parcel. He noted that this project abuts the Knight Estates development. He noted that this is for four conventional sized lots with no wetlands.

Mr. Ward asked about a future road coming in and if there was a site distance study. Mr. Brunero suggested that it can be moved around to find the best site distance, including shifting the lots. He noted it can be looked at during the site visit. Mr. Ward asked to have it staked to identify the corners.

A site visit was scheduled for 5 p.m. next Tuesday, to meet out on Stubble Brook Road.

There was a two minute recess. The Board reconvened at 8:37 p.m.

Mr. Boyer rejoined the Board.

#### **Minor Land Development Plan: Preliminary Plan**

“Travel Centers of America” -- AP 49, Lot 2

--at 849 Victory Highway ; Zoning: Highway Business

--Addition to existing building for truck service and repair; add fuel pumps to existing gasoline station

Owners/Applicant: TA Operating, LLC

Attorney John A. Pagliarini, Jr. approached the Board. Also present were Walter Fouche, Regional Construction Manager for TA; project engineer Peter Alviti, PE with Hudson Place Associates; and project architect Mark Jackson.

Mr. Pagliarini noted that they went to the Zoning Board last week, and that the Zoning Board has rendered a decision on the Zoning applications without an advisory opinion from the Planning Board.

Mr. Pagliarini noted that the gas pumps are located under the existing canopy and that there are 3 pumps now, and that they are proposing to put six pumps there that are more environmentally friendly. He noted that it won’t affect circulation and there will be modern day fire suppression.

Mr. Ward asked to see the circulation proposal. Mr. Alviti presented the site plan and passed out a color 11 x 17. Mr. Alviti noted that there are two sets of pumps, and that the diesel pumps are being changed to put in more modern equipment. He noted that there are three rows of a single gasoline pump on each island, and that they are proposing to replace those with two pumps on each island, under the same canopy. He explained that this will be beneficial to the flow of traffic with less queue.

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Mr. Fouche explained that there will be sumps in the ground and that if there is a leak there will be a detector in the bottom of the catch basin to catch the spill and to notify the site that there is a spill. It was noted that this technology is not there today. Mr. Fouche explained that the sensors are tied into the site and to the environmental department at the home office. He noted that this is for any liquid caught in the sumps, such as water or fuel, that it will signal.

Mr. Alviti discussed the site is in transition with these immediate improvements and the new site design that incorporates moving Breakheart Hill Road further to the North, which will create a whole new circulation plan. He noted that there is a temporary circulation plan to separate the commercial vehicles from the passenger vehicles. He pointed out the barrier and noted that there will be signage to restrict the vehicles from going into certain areas, and to direct the commercial vehicles to the diesel pumps or to the parking area in the back. He noted that there is an easy exit ramp proposed where there is an existing building right now. It was noted that this building will be removed.

Mr. Jackson noted that there is also a fire suppression system on the gasoline pumps. Mr. Fouche noted that there is not one on the diesel pumps because they do not flash ignite. It was noted that the diesel pumps are not part of the Zoning application because they are being replaced in kind and not being expanded.

There was discussion on the future phase 2.

Mr. Alviti passed out an 8 1/2 by 11 sheet showing the temporary parking for the passenger vehicles.

Mr. Bryan asked if there will be a traffic study for the interactions on Route 102 for both the trucks and the cars. He noted that his concerns are that there is Dan's Place, the Plaza, Breakheart Hill Road, and now there will be a larger automotive vehicle function here and more truck traffic. He noted they are adding better defined points of interaction, but that there is going to be significantly more traffic and that he is concerned with what those implications may be. Mr. Alviti questioned how much more is more, and noted that there will be a marginal increase in traffic. Mr. Bryan noted that they are planning for something significantly more because they are adding more pumps and more parking. There was discussion. Mr. Bryan expressed concern of adding more bays and more business which will create more movements of vehicles and that there are going to be peak periods during the morning traffic and at the end of the day. He noted he is concerned with the number of vehicles turning on and off of Route 102 with the traffic and the potential for accidents. It was noted that this can be addressed in phase 2, and that the Technical Review Committee asked for a temporary traffic pattern for this site plan.

There was discussion on the Service Garage. Mr. Jackson noted it is a pre-engineered metal building that will be a light gray with a blue stripe at the bottom. He noted that they are adding more bays but that this is not a trip generator. It was noted that there is one way in and one way out shown by the arrows on the plan showing the direction. Mr. Fouche noted that they are not going to draw more traffic. Mr. Ward noted that it doesn't seem like garage is going to be a big traffic thing, but that the point is that the whole development combined is the concern.

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Mr. Alviti noted that he did a turning radius analysis for tractor trailers coming in and noted that there is plenty of radius there for any size of the tractor trailers that they are going to be servicing.

Mr. Wallace noted that when they drop the price on the gasoline that people queue up and expressed concern that there is going to be a lot of traffic going in and out because they are anticipating more business.

Mrs. Letendre explained her experience using the truck stop, and noted that the conflicts she has seen have been on Route 102 when trucks and passenger vehicles are turning into the facility, specifically when a truck is coming off of the ramp from 95 South. She noted it is probably RIDOT's issue, and asked that when they are looking at the traffic analysis for the area and getting the trucks on and off the site, if they could be cognizant of the fact that the exit ramp is close enough to the entrance to their site that it can be almost like a straight shot, and that some of the trucks try to make it without stopping and going across the street. She noted that this is where, if they are going to have more passenger traffic going in, that they are going to see more of the conflicts. Mr. Alviti noted that the two entrances will be separated for the trucks and the entrance for the passenger vehicles will be up further. Mr. Ward called the conversation back to the issue at hand to talk about the addition to the truck service garage, and noted that the drive through and the realignment of Breakheart Hill Road need to be held off.

Mr. Ward asked if there is any buffer for the building. Mr. Alviti noted that there is an existing tree line and that they were planning on extending that tree line to create some visual buffering for the building. He noted that eventually that landscaped area will be part of a much bigger landscaped area in the new parking lot, and that at that time there will be a formal landscape plan.

Mr. Ward asked about the recycling of the tires and where the bins will go. Mr. Alviti pointed out where the existing bins are on the south side of the building. Mr. Fouche explained that there is one truck driver that hauls scrap tires and that there is a small bin that catches all scrap metal generated inside. He noted that anything that goes in the garbage is recycled, and picked up weekly. Mr. Ward asked about battery storage. Mr. Fouche noted that it is inside. Mr. Ward asked about containing oil or engine blocks, etc.. Mr. Fouche noted that TA is very much about appearances, and that the site gets inspected twice a month by five different people for aesthetics, safety and a number of things. He noted that they will not have junk trucks anywhere.

Mr. Alviti pointed out the locations of the storage areas for the recyclables.

Mr. Ward asked if the connex boxes will be removed once the expansion is done. Mr. Fouche noted that they will be.

Mr. Boyer asked where the sanitary system is. Mr. Alviti pointed out the test pit areas where the advanced treatment will be.

Mr. O'Loughlin asked about what the fourth bay is for. Mr. Fouche noted it is a tire store, and explained that they keep about 700 tires to service the trucks to be able to service all the different brands. It was noted that the smaller door is for loading.

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Mr. Bryan asked if sheet 101 indicates underground tanks. Mr. Fouche confirmed that they are underground oil tanks.

Mr. Bryan asked about the site drainage. Mr. Alviti explained that this phase they are replacing the existing paved area with a roof, and that the total imperviousness on the site is being reduced. Mr. Bryan asked how the roof is draining. It was noted it is just through the down spouts. Mr. Alviti explained the threshold for the new RIDEM stormwater rules, and that they will be getting into that with phase 2. Mr. Ward asked if Mr. Cotta has reviewed this and if he agrees with the calculations. Mr. Cotta noted that as long as they limit the disturbance in accordance with the plan they will be under the threshold. Mr. Alviti explained why the dry wells were removed to remain under the threshold. Mr. Ward asked if they will bring back the drywells in with the second phase. Mr. Alviti noted that they will probably be adding features like rain gardens and grass channels in the landscaped areas. Mr. Ward cautioned about pushing more water and that we don't want to see a situation like that. Mr. Alviti noted that there is a low point and a large area that they will be able to use for some advanced stormwater treatment. Mr. Ward noted that a lot of this site has grown incrementally over the years with very little review and few approvals, noting the drive through window that just appeared there miraculously. He explained that the Board will be looking for phase 2 for a total plan for the total site to comply with the State and the local stormwater management ordinances as well. Mr. Alviti noted that he has had a discussion with RIDEM about this and that they are in favor of doing the remediation on this site that incrementally increased over the years. He noted that they will be mitigating a lot of what exists, in addition to what is proposed for the future. He noted that they are within a month or so of being able to make the submission to RIDOT and RIDEM.

Mr. Boyer noted that there might be another sanitary system in the area where the test pits are. It was noted that a different engineering company is handling that.

Mr. Boyer pointed out that the survey plan has to have the sign and stamp.

There was discussion on a Preliminary Plan approval for the addition of the pumps and the expansion of the truck service garage. The comments from the Board to be addressed are the lighting is to be Dark Sky compliant and the signage has to be in conformance with the Zoning regulations and for the Zoning Officer to approve. It was noted that there will be a landscaping buffer, erosion controls need to be properly attached to the ground so they don't roll around on the pavement.

Mr. Bryan expressed concern that there are several miscellaneous items that need to be addressed in order to be in full compliance with the submission, referring to the items in the Planner's memo, such as the wall lighting which is not addressed, parking is not identified and needs to be incorporated, the signage issue, the stormwater, the dumpsters and the screening which needs to be shown on the plan, the names and addresses that are incomplete, etc. It was noted that the advisory opinions are moot. It was noted that this approval would not include the drive through window. It was noted to add spikes for the erosion control socks. Mr. Bryan asked if there is any additional consideration for the underground storage tanks, and asked to confirm compliance

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to have for the record. Mr. Ward asked them to submit DEM approval for the record on the UST.

Mr. Ward recapped that there will be a condition for all dark sky lighting, the parking plan that was submitted, the signage will comply with the Zoning Ordinance and will have the Zoning Official's approval, the stormwater management detail will be revised to prohibit movement on the pavement, the dumpsters and recycling location will be on the south side of the building as discussed, they will install a buffer, the checklist items as noted will be submitted. For Phase 2, Mr. Ward explained that a traffic study will be required. Mr. Ward explained to the applicant that this preliminary approval does not include approval for the drive through window and that there will need to be a plan submitted. It was noted that this approval also does not include any truck parking. It was noted that the surveyor stamp will be required. There was discussion on the island changes as part of phase 2. It was noted that the jersey barriers are a temporary measure as a part of this plan.

**Motion** to approve the preliminary plan for the minor land development plan for "Travel Centers of America," AP 49, Lot 2, at 849 Victory Highway for the addition to existing building for truck service and repair and to add the fuel pumps to existing gasoline station, with the following conditions:

1. Dark Sky lighting be used
2. The parking lot be installed according to the plan submitted this evening (8 ½ x 11)
3. That the signage comply with the Zoning Ordinance
4. That all stormwater conditions be implemented and adhered to
5. That the dumpsters and all recycling be located on the south side of the maintenance building
6. That this approval does not constitute approval for a drive through window
7. The phase 2 submission shall include the other information as noted.

Boyer-O'Loughlin (5-0)

It was noted that the revisions to the plan and outstanding items can be approved administratively to complete the Preliminary plan, and that Final approval shall be by the Board.

**Advisory Opinion to Zoning Board: Special Use Permit**

Expansion of Use Requiring Special Use Permit- Use Code: 554, Gasoline Service Station  
TA Truck Stop—AP 49, Lot 2  
At 849 Victory Highway: Zoning Highway Business  
Owners/Applicant: TA Operating, LLC

No action was taken.

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#### **Advisory Opinion to Zoning Board: Use Variance**

Proposed Use of Drive-Through Window for a fast food restaurant

TA Truck Stop—AP 49, Lot 2

At 849 Victory Highway: Zoning Highway Business

Owners/Applicant: TA Operating, LLC

No action was taken.

#### **Advisory Opinion to Zoning Board: Special Use Permit**

Use Requiring Special Use Permit- Use Code: 525, Retail Hardware & Farm Equipment

“T & L Walton Enterprises, Inc.” -- AP 6, Lot 29

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

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

No action was taken.

### **PLANNING PROJECTS**

Village Zoning- no action.

### **COMMENTS BY BOARD MEMBERS**

Mr. Bryan offered for future consideration a thought with respect to Coast to Coast that there never should have been a Certificate of Occupancy on the building until there was compliance with all the DEM site drainage issues. Mr. Boyer agreed and noted that approval should not have been granted prior to the RIPDES approval. Ms. Paquet explained that they don't have a CO yet. Mr. Boyer clarified that the Board should not have granted approval without the RIPDES permit in hand. It was noted that it was conditional. The Board agreed that they need to do all they can to make sure something like that doesn't happen again.

### **REPORTS AND SPECIAL ITEMS**

Ms. Paquet noted that East Greenwich's Comprehensive Plan is out for comment by the abutting communities. She explained that she reviewed the plan and pointed out that a change proposed is that there is mixed use being proposed adjacent to where the Cedar Ridge project was. The Board had no comments.

### **ADJOURNMENT**

**Motion** to adjourn. Bryan- Boyer (5-0). The meeting ended at 9:46 p.m.

**WEST GREENWICH**  
**November 18, 2013**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, November 18, 2013. Present were: Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry and Alternate Brian Wallace. Chairman Brad Ward and Alternate Bill Bryan were absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Vice Chairman O'Loughlin called the meeting to order at 7:00 p.m.

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It was determined that there was a quorum.

**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

October 21, 2013 Regular Meeting

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

**Request for Maintenance Bond Release, cont.**

“Carrs Pond Estates” Minor Residential Compound – AP 2, Lots 6 & 12  
--off Carrs Pond Road; conditional final approval granted on April 16, 2012; holding \$10,000  
Owner/Applicant: Carrs Pond Associates, LLC (Michaels and Steve Kent and Carmine D'Ellena)

Ms. Paquet noted that she has not heard any update. Motion to continue to next month. Boyer-Berry (5-0).

**Minor Development Plan: Preliminary Plan - Request for extension of deadline to complete**

“Roch's Fresh Food” -- AP 49, Lot 4-2  
--at 865 Victory Highway (access off Arnold Farm Road); Zoning: Highway Business  
Redevelopment of old Coca-Cola warehouse and distribution site into Produce warehousing, washing, chopping, and distribution.  
Owner /Applicant: Roch's Fresh Food West Greenwich, Inc. (Ray Roch)  
--Status of completion of improvements and Request for extension of deadline to complete

Timothy Behan, PE of TJB Engineering approached the Board. Mr. Behan noted that they just received the wetland determination of non-jurisdiction from RIDEM and that they are applying for a RIPDES permit. He noted that much of the landscaping has been installed and that there will be rain gardens for the drainage. Mr. Behan showed the photometric plan and noted that in the front the light does go into the road, but not onto the adjacent property on the other side of the road. He noted that the lighting is designed to go into the road due to the existing parking there in front of the building. He noted that two of the light fixtures are still facing up and that they will have to put them down. It was noted that the photometric plan is based on all the lighting being horizontal. It was decided to get another update on the progress rather than to grant an extension at this time.

Motion to continue to next month. Boyer-Berry (5-0).

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**November 18, 2013**  
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**Major Residential Subdivision: Pre-application Plan, cont.**

“Jack’s Place, Section 2” – AP 28, Lot 25-1

--on Stubble Brook Road: frontage lots proposed (potential for further internal subdivision)

Owner: John Koszela, Jr.; Applicant: Soscia Construction Ltd. (Bruce Soscia)

--Site Visit was held on Tuesday, October 29, 2013

Mr. Boyer recused himself from this agenda item.

Attorney Peter Nolan of Nolan Dailey Rothemich and Brunero, Ltd., approached the Board, in for Attorney Brunero. Mr. Timothy Behan, PE was present.

Mr. Nolan noted that this is a 4 lot major subdivision due to prior subdivision of the parcel.

Mr. Behan noted that there are three drainage pipes discharging onto the property and that they will incorporate them into the drainage design when the next phase for a road is designed.

Mr. Nolan acknowledged the concern of yield on the wells.

It was noted that Mr. Berry, Mr. Wallace, and Mr. Ward attended the site walk.

It was noted that the site distance will be presented at the Master Plan.

It was noted that the Master and Preliminary Plan review stages could be combined.

Mr. Nolan acknowledged the Stubble Brook Road improvement fee.

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

“St. Joseph's Cemetery” AP 13, Lot 1

--on corner of Nooseneck Hill Road (Route 3) and Wills Swamp Road; Zoning: RFR-2  
7 house lots proposed on existing roads

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

Mr. Boyer rejoined the Board.

It was noted that the applicant has requested a continuance to next month.

The Board discussed the completeness of the application and Mr. Boyer listed the outstanding items. There was discussion. It was noted that checklist items A. 2, 12, 13, 17, 18, and 19 are missing and need to be provided on the plan. Mr. Boyer noted that the infrastructure needs to be shown and that the flags need to be field located on the plan, and verified by RIDEM. He noted that the certification and source for the topography needs to be shown on the plan, as do the names of abutting property owners.

The Board also expressed concern of the water quality and noted that it was not addressed in the submission, but will be required for the Preliminary Plan application.

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**PLANNING BOARD MEETING**

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Motion to deem the application incomplete. Boyer-Berry (5-0).

It was decided not to continue this agenda item to next month, and that the Master Plan Public Informational meeting will need to be re-advertised and another notice sent to the abutters after the revised plan has been submitted with the required information. This was explained to the audience members who were present for this agenda item.

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

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

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

Proposed uses: office, retail landscape materials, small rental equipment, and outdoor product display; request for Mixed use building commercial with one Residential Unit

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

**Advisory Opinion to Zoning Board: Special Use Permit**

Use Requiring Special Use Permit- Use Code: 525, Retail Hardware & Farm Equipment

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

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

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

Mr. Boyer recused himself for these two agenda items.

Attorney John Pagliarini approached the Board. Mr. Pagliarini noted that the Zoning Officer Mr. Tacey sent a letter stating that the use of the property is residential with customary home occupation. Mr. Pagliarini noted that he respectfully disagrees, but that he cannot find any information on it. He noted that one of the issues that the Mixed Use raises is the size of the parcel. He noted that the Zoning Board gave him a history of the property, but that he can't find any information to cross reference.

Mr. Pagliarini asked if there is a compromise that everyone can live with. He noted that they are looking for 50% of the building to be one residential unit not to exceed 1,200 square feet, and the balance to be one commercial unit. He asked that the site plan, with the exception of the missing landscaping plan, be approved, and that the Planning Board forward an advisory opinion to the Zoning Board to support one residential unit and one commercial unit.

Mr. Pagliarini noted that they solved the parking issue of the neighbor by removing the entrance on Valerie Drive.

Mr. Berry expressed concern that the application was originally for a commercial building, and noted that the Board was all on board to go, but that at the last meeting a curve ball came with the residential. He noted that he can't see himself going against what the Zoning Official has said. He noted that the Board tries to accommodate business as much as possible and they were looking forward to the business there. Mr. Pagliarini noted that it is an awkward situation because there are two residential units occupying the property and that they have to be vacated. He noted that Mr. Tacey has been patient in ordering that. He noted that the Zoning Board

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**November 18, 2013**  
**PLANNING BOARD MEETING**

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encouraged the application to be amended because it was residential. He noted that Mr. Waltonen does not need the whole building for his business at this time, and noted that he was going to rent to another commercial business. He noted that it is safer and easier to get a residential tenant than a commercial tenant.

Mrs. Letendre discussed that the legal use of the property was determined as a single family residential with a customary home occupation and that they are asking to retain that single family use and expand the customary home occupation so that it is more of a mixed use and there is not a principle and subordinate use on the property. Mr. Pagliarini noted he can't say selling mulch is a home occupation. Mrs. Letendre noted what is being asked is that the Board support this going to a full mixed use, with two legal uses on the property of a single family residence and a business.

There was discussion. It was noted that if it was all commercial it may change the parking requirement.

Mrs. Letendre noted that the second issue is that since the lot is undersized, it would need a dimensional variance as well.

Mr. Berry noted he thinks it should be either all commercial or go back to the residential with the home occupation. He noted that there is a Special Use Permit advisory opinion on the agenda and asked if the Special Use Permit application for "Hardware and Farm Equipment" is the best use. Mr. Pagliarini noted that he thinks it is the right one because if they came in with "Contractor Office and Equipment," it opens the door to the large equipment being stored on the site, which is a concern. He noted that the problem is that there is no section in the Zoning Ordinance for what they want to do, such as renting small tools. He noted that the idea is to go to the Mishnock location for the larger items or bigger loads of mulch.

Mr. Berry asked if there were any other items needed for the Preliminary plan. Ms. Paquet noted that the drainage calculations still need to be submitted and reviewed by Mr. Cotta. It was noted that the landscape plan is still needed. It was noted that the Valerie Drive side landscape barrier is going to be important. Ms. Paquet noted there also needs to be clarification on the number of units, because the plan states three units, but they are asking for two. It was noted that a floor plan of the interior breakdown is still needed also.

Motion to approve the Preliminary Plan for the development project for T & L Waltonen Enterprises for mixed use of one residential and one commercial unit at 65 Nooseneck Hill Road subject to administrative review and approval of the landscape plan, drainage plan, and floor plan. Regan-O'Loughlin. There was discussion. Mr. Berry noted he has not seen a preliminary plan for a mixed use. It was noted that the revised plan was to change the location of the mulch piles to the back and to close the access on Valerie Drive. It was noted that the Board never saw a revised layout of how the floor plan changed for the interior. There was discussion. It was noted that the floor plan is needed. Motion on the table. Regan-aye, O'Loughlin-aye, Berry-nay, Wallace-nay. Motion failed.

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**November 18, 2013**  
**PLANNING BOARD MEETING**

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Vice Chairman O'Loughlin entertained a motion to recommend approval for the Special Use Permit for the Use Code 525, Retail Hardware & Farm Equipment for T & L Waltonen Enterprises, Inc. AP 6 Lot 29 at 65 Nooseneck Hill Road and the corner of Valerie Drive. Mr. Berry asked if this opinion is strictly for the Use Code of 525, and not for the Mixed Use. There was discussion on what the Special Use Permit application before the Planning Board is for. Mr. Pagliarini noted that the application was amended at the Zoning Board meeting to add the mixed use. It was clarified that the application to zoning is for mixed use for a single family unit of 1,200 square feet and a commercial unit. Mr. Berry asked if the motion is for the commercial piece on the Retail Hardware and Farm Equipment. Mr. O'Loughlin entertained a motion to recommend approval for a Special Use Permit as submitted to the Zoning Board for a mixed use of one residential and one commercial under use code 525. Motion made by Regan-O'Loughlin. Regan-aye, O'Loughlin-aye, Berry-nay, Wallace-nay. Motion failed.

Mr. Boyer rejoined the Board.

**Minor Land Development Project: As-Built Plan Review / Final**

"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.  
--Request for Certificate of Occupancy; set performance and maintenance bond amounts and conditions for completion of outstanding items with date certain

Owner Hermond Ghazarian and construction contractor Paul Surabian of Douglas Construction were present. Ms. Paquet passed out Mr. Cotta's inspection report of today along with the letters from Douglas Construction of the list of items with the timeline completion dates and bond amounts. The Board reviewed the correspondence.

There was discussion on having the applicant come back at the May meeting for Final approval and to allow a temporary Certificate of Occupancy at this time. It was noted that the landscaping buffer can be evaluated in the spring for the pine trees that were planted in the gap.

Motion to approve the as-built plan for the Coast to Coast Fulfillment, and to allow a temporary Certificate of Occupancy to be in place until the Planning Board's May 2014 meeting, subject to the posting of a performance bond in the amount of \$8,895 for the work to be completed, based on the two letters by Douglas Construction dated November 14, 2013, and as adjusted by the letter from American Engineering dated November 18, 2013. This motion is also subject to all of the conditions of the Planning Board's Preliminary Plan approval for this project, subject to the applicant returning to the Board at the May meeting, and subject to the additional hay bales as recommended to be immediately placed prior to issuance of the temporary Certificate of Occupancy. Berry-Regan. (5-0)

Mr. Boyer asked if there has been any progress made with the abutters. Mr. Surabian noted that he spoke with Mrs. Robinson and that Mr. Moorehead came up with a plan. He noted that Mr. Ghazarian and himself have agreed to implement the plan if Mrs. Robinson agrees with it. He noted that it would be done in the spring time. It was noted that the other abutter's driveway does not encroach and that a swale is planned.

**WEST GREENWICH**  
**November 18, 2013**  
**PLANNING BOARD MEETING**

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**PLANNING PROJECTS**

Village Zoning- there was no discussion.

**REPORTS AND SPECIAL ITEMS**

Set 2014 Planning Board meeting schedule  
The Board approved the schedule as presented.

**COMMENTS BY BOARD MEMBERS**

Mrs. Letendre noted that SWAP, Inc. has appealed the State Housing Appeals Board decision on the Victory Woods application and that it will go to the Superior Court on procedural issues. She noted that the SHAB found that they did not have jurisdiction to hear the matter. She noted that the consent order will be interpreted by the Superior Court.

**ADJOURNMENT**

**Motion** to adjourn. Boyer- Regan (5-0). The meeting ended at 8:30 p.m.

**WEST GREENWICH**  
**December 16, 2013**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Monday, December 16, 2013. Present were: Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry and Alternates Bill Bryan (7:14 p.m.) and Brian Wallace. Chairman Brad Ward was absent. Assistant Town Solicitor Nancy Letendre and Town Planner Jennifer Paquet were present. Vice Chairman O'Loughlin called the meeting to order at 7:00 p.m.

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It was determined that there was a quorum.

**CONSENT AGENDA**

**Acceptance of Minutes (CA)**

November 18, 2013 Regular Meeting

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

**Request for Maintenance Bond Release, cont.**

“Carrs Pond Estates” Minor Residential Compound – AP 2, Lots 6 & 12  
--off Carrs Pond Road; conditional final approval granted on April 16, 2012; holding \$10,000  
Owner/Applicant: Carrs Pond Associates, LLC (Michaels and Steve Kent and Carmine D'Ellena)

Ms. Paquet noted that the follow-up inspection by the Town's consulting engineer revealed that the items had not been completed, or had not been completed satisfactorily.

**Motion** to continue. Boyer-Regan (5-0)

It was noted that if the items can't be completed until the spring, to remove this item from the agenda.

**Minor Development Plan: Construction status, cont.;**

**Request for Extension of Deadline to complete**

“Roch's Fresh Food” -- AP 49, Lot 4-2  
--at 865 Victory Highway (access off Arnold Farm Road); Zoning: Highway Business  
Redevelopment of old Coca-Cola warehouse and distribution site into Produce warehousing, washing, chopping, and distribution.  
Owner /Applicant: Roch's Fresh Food West Greenwich, Inc. (Ray Roch)  
--Status of completion of improvements to site

Tim Behan, PE of TJB Engineering approached the Board. Mr. Behan noted that he just received the RIPDES Permit letter today. He noted that they are now ready to go forward except for the weather which would affect them for at least the next six weeks. He added that the lights still need to be turned down. He noted the work wouldn't be started until March, and it is about a month's worth of work to do the drainage and then time to let it stabilize. It was decided that when the lights are fixed to let the Board know in the meantime.

**WEST GREENWICH**  
**December 16, 2013**  
**PLANNING BOARD MEETING**

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**Motion** to extend the deadline to complete the improvements to the May 2014 meeting, and to get the lights done in the meantime, and anything else that can be done and to let the Planner know when they are done. Boyer-Regan (5-0)

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

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

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

Proposed uses: one residential unit and one commercial unit consisting of office, retail landscape materials, small rental equipment, and outdoor product display uses

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

-Planning Board motion on Preliminary Plan failed at November 18, 2013 meeting

-Zoning Board approved Special Use Permit on November 19, 2013)

Mr. Boyer recused himself from this agenda item.

Attorney John Pagliarini approached the Board for the applicant, along with Mr. Behan, PE. Mr. Pagliarini explained that the Zoning Board granted approval for Use 525 of hardware with a list of conditions. He noted that for the Planning Board's Preliminary review there were three outstanding items and that they have since been provided. Ms. Paquet handed out the revised floor plan and the comments from the Town's consulting engineer regarding the revised drainage calculations. Mr. Pagliarini noted that the square footage of the building was actually less than what they thought it was. He noted that the Zoning Board limited the exterior display of rental equipment to the area between the building and the driveway and pointed to the location on the plan.

Mr. Berry asked how far the pavement goes versus where the pervious base with crushed asphalt will be.

Mr. Bryan arrived at 7:14 p.m.

Mr. Behan pointed out where the pavement areas are. Mr. Behan addressed the consulting engineer's comments. He noted that they plan on putting in a new septic system and will submit to RIDEM. He noted that they have not submitted to the RIDOT yet either.

Vice Chair O'Loughlin noted that the landscape plan has been submitted. There was discussion on the other items. It was noted that it appears to be enough room for a ten wheeler to turn around.

Mr. Berry asked about the buffer on the Valerie Drive side. Mr. Pagliarini noted that the Zoning Board asked for some low-growing prickly vegetation there so that no one parks on Valerie Drive. It was noted that the plan doesn't match what the Zoning Board required.

Mr. Bryan asked about the residential parking and noted that there is no walkway from the parking to the entrance. Mr. Behan noted that he will make sure that the site plan matches up where the walkway is.

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**Motion** to approve the Preliminary Plan for the T&L Waltonen Enterprises, Inc. AP 6, Lot 39 located at 65 Nooseneck Hill Road with the following conditions:

1. that items 1 through 7 in the letter dated December 16, 2013 from American Engineering be addressed
2. submit a revised landscape plan before planting and before Final review to meet the requirements of the Zoning Board and to show the detail for the buffer at Valerie Drive, and to include the rear residential walkway.
3. meet the items 1 through 15 as required by the Zoning Board approval as recorded on December 2, 2013.
4. Final review may be administrative
5. Show the walkway for the residential parking to the entrance on the plan.

Berry-Regan (5-0)

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

“Jack’s Place, Section 2” – AP 28, Lot 25-1

--on Stubble Brook Road: frontage lots proposed (potential for further internal subdivision)

Owner: John Koszela, Jr.; Applicant: Soscia Construction Ltd. (Bruce Soscia)

Mr. Boyer recused himself from this agenda item.

Attorney John Brunero, Jr. approached the Board. Mr. Brunero described the location of the project and explained the proposal. He noted that there is an area for a future road. Mr. Brunero noted that there would be drainage areas and in the future it would be connected to all feed down into the future roadway for the future development. He explained that there is an encroachment of Breakheart Hill Road pavement and that it will be deeded over. He noted that there are no wetlands on the four proposed lots. He noted that the OWTS and RIPDES will be due at the Preliminary Plan. He noted that there is a reimbursement fee for the Stubble Brook road, and noted that there will be a cistern needed for the future subdivision and there needs to be a dry hydrant installed as a condition of this approval.

Mr. Brunero discussed the area left for a future road and noted that it can be shifted for future design.

Mr. Berry asked if there are issues with well yields in the area. Mr. Brunero noted that there have been issues with the area around Kimberly Drive and Dayna Drive, and noted that the Town requires that the well go in before anything gets down, but that it is hit or miss.

Mr. Regan asked about the frontage on lots 2 and 3 and the note about conveyance, and whether it meets the 200 feet. Mr. Brunero responded that it depends on how the future road goes in, and that they will convey the extra land to the lots. It was noted that the proposed lots do meet the frontage requirement. It was noted that the remaining land doesn’t meet the 200 feet of frontage requirement and that therefore, it will be unbuildable until the future road is subdivided.

**Motion** to open the public meeting. Berry-Regan (5-0)

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Linda Read, 100 Stubble Brook Road, noted that she doesn't mind that there will be building across the street, but that she is concerned about her well. She noted that her next door neighbors have had to frack their well twice, and that another neighbor had to put in a new well because of the chance of the flow when somebody else put in a well. She noted she would like some guarantee that she doesn't lose her water since they are downhill from her, and right across the street. Mr. Brunero stated that well water is not really downhill or uphill and that they are down several hundred feet into the aquifer. He stated that if they cause a problem to her well that she has an action against them. Mrs. Read noted that the history on Stubble Brook is that there has been difficulty. Mrs. Letendre noted that basically there is nothing that they could really do. Mr. O'Loughlin noted that he lives down West Log Bridge Road and noted that he had the same concerns as Mrs. Read about ten years ago when a subdivision was going in behind him. He noted that there is really not much that the Town can do for how a well going in is going to impact the neighbors. He noted that a couple years ago the Town enacted an ordinance saying that any future house has to have a producing well to protect the houses going in. He noted they really can't say what it is going to do, but it may be that a new well may help the neighbors by opening up a fissure and may give a better producing well. He acknowledges Mrs. Read's concerns and noted that the Board is here to protect the existing residences as well as the new residents, but that unfortunately they really can't govern what goes underneath the ground. Mrs. Read asked what her options are. Mrs. Letendre noted that unfortunately there really aren't any, and that they don't know where those fissures are. She noted that it could be that an existing neighbor puts another well in and it could affect the yield in her well, as well. She noted that she doubts that there would be a cause of action against the developer and noted that there is no right to the water and there are no guarantees. She noted that it is a valid concern, but not a reason upon which this proposed development would cease to move forward. Mr. O'Loughlin noted he would hope that she could work with the developer if something did happen. Mr. Brunero noted that there is a significant amount of water in the aquifer, but it is just a matter of how far and where that well is drilled to.

There was further discussion about wells. It was noted that the wells have to be 100 feet away from septic systems and that the proposed wells will be in front of the houses and the septic systems in the rear, downhill.

Robert Read, 100 Stubble Brook Road, asked what the size of the houses will be. Mr. Brunero noted that they will be substantial homes. He noted that they won't be starter homes because the cost of the land is just too great to put up cheaper homes. It was noted that the plan doesn't show what the houses will look like and that it is just a concept to demonstrate that the appropriate setbacks can be met to roads and wells and septic systems.

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

**Motion** to approve the Master Plan for the subdivision entitled, "Jack's Place section 2," as depicted on Sheet 2 of 3 prepared for applicant Soscia Construction, Ltd, prepared by TJB Engineering, LLC, dated November 2013, with the following conditions:

1. This approval does not include approval for the proposed future road layout
2. Septic system permits shall be due at Preliminary Plan application

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3. Stormwater drainage shall be designed for the Preliminary Plan application for each of the lots and shall include the design for handling the uphill drainage across the lots.
4. Dry Hydrant shall be installed to the satisfaction of the fire chief prior to the recording of the lots.
5. Open Space and recreation fee to be assessed per lot at recording
6. Stubble Brook Road fee shall be paid per each lot.
7. Wells shall be installed and the yield tests submitted prior to any building permits.

This motion is based on the findings of fact in the memo.

Berry-Regan (5-0)

It was noted that reimbursement for the hearing advertisement is due and that the engineering review will be done for the Preliminary stage.

Mr. Boyer rejoined the Board.

### **PLANNING PROJECTS**

Village Zoning

Affordable Housing Ordinance- and set joint meeting date with Town Council for workshop  
RhodeMap RI- Growth Centers Game

Ms. Paquet explained that she discussed at the last Town Council meeting the need for affordable housing and how the Town has gone backwards. She noted that the Town used to be at 1.8% and is now at 1.4%. She noted that development is picking up now and the Town will slip even further behind. She noted that the Town Council was amenable to have a joint meeting with the Planning Board to talk about some ordinances to see what we can do about affordable housing. It was decided to make a draft agenda to review in January in preparation for a joint meeting in February. Items to discuss include the State law, how the State is enforcing the State law, funding, what the obligations of the Town are, and what the liabilities are to the Town. Mr. Bryan suggested having Mrs. Letendre speak to us about the liabilities.

Ms. Paquet discussed the RhodeMap RI project and asked the Board if they would like to participate in the Growth Centers game. She noted that the next meeting for this is January 9<sup>th</sup> in Richmond.

### **REPORTS AND SPECIAL ITEMS**

#### **Election of Planning Board Officers for 2014**

Chairman, Vice Chairman, and Secretary

Noting that the current Chair was not present, the Board decided to table elections until January.

### **ADJOURNMENT**

**Motion** to adjourn. –Boyer-Regan (5-0). The meeting ended at 8:22 p.m.