

WEST GREENWICH
January 13, 2014
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, January 13, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, and David Berry. Mark Boyer and alternates Bill Bryan and Brian Wallace were absent. Town Planner Jennifer Paquet was present. There was no Solicitor present. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

December 16, 2013 Regular Meeting

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

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 (Michael and Steve Kent and Carmine D'Ellena)

Ms. Paquet noted that Mr. Kent told her the items could be done in the Spring.
It was noted to remove this from future agendas until the items have been fully completed.

Minor Residential Subdivision: As-Built/ Final Plan Review

"Pine Estates, Phase 1" – AP 53, Lot 6-1
--new road off Hopkins Hill Road; 5 lots
Owner/Applicant: Shoreline Properties (Joseph Catelli)
-also set performance and maintenance bond amounts

Mr. Michael McCormick, PLS with Alpha Associates, Ltd. approached the Board. Mr. Joseph Catelli was present.

There was discussion on the bond procedure. Mr. Catelli asked the Board if he could have a permit for a model home. Mr. Ward noted that it doesn't have final approval yet. The Board went over the comments in the Town engineer's memo. There was discussion on the items that need to be completed and which items are allowed to be bonded. It was noted that the detention pond items will be completed, a letter from the design engineer will be provided for the front detention pond, and the fire cistern hardware will be installed. Town Administrator Breene reminded the Board that permits are not allowed until it is bonded.

There was discussion on the no-cut buffer monumentation. Mr. McCormick asked about the signs on the posts. Ms. Paquet noted that Mr. Boyer stated in a meeting for a sign to be on the posts to say what they are. Mr. McCormick noted they will put some sort of a sign on them.

Mr. Regan asked about the design professional who should be referenced for each sheet of the submission. Ms. Paquet noted that she will clarify who prepared each sheet for the motion.

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There was discussion on the landscaping and the abutter's concerns asking that trees not be planted near her field, and that she asked for a low shrub. It was noted that no landscaping was part of the approval for this area. Ms. Paquet noted that the property had sold to a new owner after the project was approved by the Board. There was discussion on the site distance and the trees proposed at the front detention pond. Mr. McCormick noted that they left some existing trees in this area, and suggested that everyone meet out there in the Spring to see where to put the trees. It was noted that the Board can look at this at a site visit in the Spring. Mr. Catelli asked if he can rebuild the remnants of the stonewalls at the entrance. It was noted that they can't block site distance, and that they are located on the property line. The Board noted to add this to the items to look at in the Spring site visit, and that this can be discussed next month. The Board noted they are looking for a finalized list with a tally amount for the bonds for next month.

Motion to continue to February. Berry - Regan (4-0)

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

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

(requires Special Use Permit from Zoning Board)

--at 136 Mishnock Road; Zoned RFR-1

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

Mr. Timothy Behan, PE of TJB Engineering approached the Board. Mr. Wayne McLellan was present.

Mr. Behan showed the previously approved site layout for a pre-engineered steel building, and then explained the new proposal. He noted that the changes are to keep the existing building, do an addition on the back, and there will be one additional 24 ft. by 36 ft. building in the back. He pointed out the two proposed curb cuts and the proposed parking layout. He noted that the previous approval was for over 9,200 sf of building, and that the current proposal is for 8,040 or so square feet of building. He then showed elevations for the proposed changes to the front of the existing structure.

Mr. Ward asked what the use of the small building will be. Mr. McLellan explained that currently has an 18 by 20 metal shed that they keep their chips, bar stock, and raw material in that is unheated and unventilated and not insulated. He noted he wants to propose to clean out that area in back of the shop and move that all into that building—a forklift, the blue bins for the scrap material, and the raw materials. He noted it would be a support facility for the rest of the shop. He noted that once that building is in place, they are going to take down that metal building, remove all the stuff from in back of the building. He explained that by putting this building up first, it allows him to clean up the site behind the building, and then in the spring or summer they can put the foundation in to put the addition on the back of the building. He noted this would all be done while the machines are still in production in the front half of the shop, and that once the back half is done, they will relocate the machinery to the back of the building and

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remodel the front. He noted that the roofline proposed will be much better looking than the previously approved metal building.

Mr. McLellan explained that the reason for the changes were because the cost of the metal building that was originally proposed was very high and by keeping the existing building it will be more user friendly, and it will be easier for the workflow, the office and the parking and won't disrupt the septic system.

Mr. Regan noted it is very good looking for a machine shop. Mr. Ward agreed that it looks a lot better than the steel building that was proposed.

Mr. Behan addressed the comment in the Planner's memo about the wide curb opening and submitted a sketch to narrow the opening to 20 feet. He noted that the garage door there is secondary and it is fine to remove the driveway in front as long as there is a wide sidewalk there.

Mr. Berry asked about the second curb cut. Mr. McLellan explained that the reason for the horseshoe layout was because the fire department wanted access to all four corners of the building and that this will also allow delivery trucks to go right around without having to back out on Mishnock Road.

Mr. Berry asked how much will be paved. Mr. Behan pointed out that the existing pavement will remain asphalt and the new areas will be crushed recycled asphalt.

Mr. Ward asked if there were any comments from the audience. Mr. Kevin Breene, representing his mother as an abutter who couldn't be here tonight, noted that she has no problem with this use. He noted that the only thing is that there is supposed to be some vegetation along her driveway and suggested pine trees because they will grow fast and fill right out. Mr. McLellan explained that they have been slow putting the landscaping in because they still have to put in a dry well in that area. He noted that they will finish the rest of the tree line as soon as they finish the drywell while they are building the building. He noted that the electric company has already put the poles in. Mr. Breene noted that deer won't eat white pine. Mr. Behan noted they put in juniper. Mr. Berry clarified that this is along Long View drive.

Mr. Berry asked for a timetable for each phase.

Ms. Paquet asked for clarification of the use on the rear building and if there would be any running machinery in there. Mr. McLellan noted it will be for storage now, but that it may be used in the future for machines. It was noted that there will not be any metal buildings. Mr. McLellan noted they will be wood structures with vinyl siding. There was discussion on the scrap metal pick up and the T-turn around. It was noted that the scrap is lifted with forks and the whole bin is removed and an empty bin to replace it. It was noted that the T-turn around is for the fire trucks. There was discussion on trash pick up and back up beep noise and hours of deliveries.

Mr. Ward recapped some points for consideration in the motion noting that scrap metal leaves the site in the provided bins and that there is no dumping out of scrap bins creating loud noise,

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that there are no deliveries after 9 p.m. or before 6 a.m., and that development plan review is required.

Mr. McLellan explained that the machines are not noisy and that once you get 20 feet away from the building you can't hear what is going on. He noted that he doesn't run a traditional second or third shift with people coming and going.

Mr. Ward noted that it is in a residential neighborhood and that the Board is going to recommend to the Zoning Board to put some provisions in the Special Use Permit to protect the residents in that area. There was discussion on the items to include in the motion.

Motion to relay to the Zoning Board, for their consideration of a Special Use Permit in order to allow the expansion of the legal non-conforming use of manufacturing, located at 136 Mishnock Road, AP 4, Lot 21, based on the plan entitled, "McLellan Page, Inc.," dated November 2013, revised through 12/16/13, based on the 7 findings of fact and recommendations noted in the Planner's memo, and with the following additional items:

8. That there be no deliveries after 9 p.m. or before 6 a.m.
9. That the scrap metal leaves the site through the existing method in bins loaded into a truck with a fork lift.
10. Modify item 5 a. to find that the new design will be more in tune with the residential neighborhood as it will be less industrial looking and more commercial/residential.

Berry-Regan. (4-0).

Advisory Opinion to Zoning Board for Special Use Permit for Additional / Larger Signs than permitted by Zoning Ordinance Sign Regulations

-Truck Service Garage at Travel Center of America- AP 49, Lot 2

-Diesel Pump Canopy- AP 49, Lot 3

-- 849 Victory Highway; Zoned Highway Business

Owner/Applicant: Travel Center of America (TA)

Andrew Carillo, with TA was present. Mr. Carillo noted that he has worked on another site and explained that right now trucks don't know which way to pull in and it causes a bit of a back up. He pointed out that the canopy will indicate that you are to pull in this way from the highway and that each pump will have diesel and the DEF. He noted it is laminate on the canopy. He noted that the truckers just know to enter from the side that says diesel on the canopy.

There was discussion on the signs proposed for the truck service building. Mr. Ward asked why the exorbitant amount of signs are required on the outside of the service building. Mr. Ward expressed concern that the signs are exceeding the ordinance and that they are asking for something that seems unnecessary. He asked why a Welcome Professional Drivers sign is needed when he can't see why it would be a necessity when you would assume they are welcome. He noted there are also the signs for Firestone, Goodyear, and this and that, and stated that he is pretty certain that the truckers know what type brands TA carries for the service. He noted he can understand the sign for the TA Truck Service to identify it, and that he doesn't object to the 1, 2, and 3, or the certification sign. He questioned the redundancy of Truck Service sign and the Freightliner Service Point sign. Mr. Carillo explained that they have a

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Welcome Professional Drivers signs on the store because it is a travel center and they get a lot of tourists coming through. He noted that a lot of TA's are set up with two different pay points, some for the professional driver and some for the convenience store that says welcome customer. Mr. Ward asked if it is to distinguish that this isn't for regular automobiles. Mr. Carillo indicated yes.

Mr. O'Loughlin asked if the signs are all illuminated. It was noted that they are. Mr. Berry questioned if signs would be visible from Breakheart Hill Road. Ms. Paquet retrieved the site plan showing the orientation of the truck service building on the site. Looking at the plan, the Board noted the side where Breakheart Hill Road is the Right Elevation with no signs and that the signs are proposed on the left side and would not be visible from the roads. Mr. Berry noted it is important that there are no signs on the Breakheart Hill Road side. The Board agreed and noted it would be a stipulation. Ms. Paquet noted that the application says that there are going to be signs on the North side, which is something different than what the pictures show, and so it should be specified that they are not allowed on the Breakheart side.

Mr. Ward stated it is his opinion that it should be limited to the TA Truck Service sign and the bay numbers and that he really doesn't see the need for the other signs, and expressed concern of setting a precedent if this degree of changes were allowed to go forward.

It was noted that the TA Truck Service sign exceeds the 50 square foot limit as it is 121 square feet. Mr. Ward noted that he doesn't have a problem with this sign even though it is bigger because it fits the building. The Board agreed. Mr. Ward expressed again that he thinks it is bad planning for the Board to say that the other frivolous signs could go up there. He noted he doesn't have an issue with the bay number signs because he sees these more as directional signs.

Mr. Regan asked Ms. Paquet what she thinks. Ms. Paquet noted she doesn't have an issue with the signs internal to the site because they are not going to impact the community's perception when they are going by. She noted the signs are not trying to catch the eye of the driver going by, it will just catch the eye of the truckers walking inside the development. She noted that the two Welcome Professional Drivers and the Freightliner Service Point signs seem redundant for making it say it is just for truckers. Mr. Ward noted this is already made clear by the TA Truck Service sign. Mr. O'Loughlin questioned if those two signs could be put on the side, rather than over the doors. Mr. Carillo noted it goes over the doors to let people know that it is there because the lot is not lighted. He noted when you pull back there it is pretty dark. He noted he gets questions if the shop is open. Ms. Paquet noted that the shop is going to be open 24/7. Mr. Ward expressed concern that even putting those signs on the side is still too much, and that it should be limited to just the TA Truck Service Sign and the 1, 2, and 3.

Ms. Paquet posed to the Board what the scale of those signs would need to be to indicate it is just for professional trucks and not the general public, and asked when does someone need to know this—is it when they get to the building and they are ready to open the door, or is when they are farther away.

The Board discussed their advisory opinion.

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Motion to recommend approval to the Zoning Board to accept the changes to the diesel canopy sign as submitted, and to limit the signage on the truck service building on the front east side to the TA Truck Service sign, the bay identification numbers 1, 2, and 3, and the certification sign, finding that the TA Truck Service sign size is suitable in conformity with the building, and that any other signage on the building shall be on the southern wall interior to the site and limited to the size and number of signs as identified on the sign plan as submitted, and that no signs shall be allowed on the Breakheart Hill Road side.
O'Loughlin-Regan. (4-0)

PLANNING PROJECTS

Ms. Paquet reminded the Board of the **RhodeMap RI** project and that the State is willing to come to the Town to have a local workshop on growth centers, and noted the dates of the upcoming regional workshops.

Affordable Housing- review of draft agenda for joint meeting with Town Council

Ms. Paquet explained that the Town has lost track on the affordable housing goal, noting that we used to be at 1.8 percent, but now we are at 1.46 percent. She noted that the Town has some ordinances drafted, but they haven't been adopted yet. She explained that for housing to be affordable, the HUD guideline is that you should not be spending more than 30% of your income on your housing expenses of your mortgage, property taxes, and insurance. She noted that the more money you make, the less important this becomes, so generally we are not concerned with people making more than median income. She discussed that according to the census data from the American Community Survey, 35 percent of the households in West Greenwich that make 80 percent or less of the median income are considered cost burdened, which means that they pay more than 30% and some pay more than 50% of their income on their housing expenses. She explained that this means that these people don't have that extra cash to spend anywhere else. She pointed out that this means that we already know that 35% of the households in our own Town could have had a use for something if we had a program.

Ms. Paquet explained that when you look at the renters in Town, which is mostly in the Centre of New England, that it is a high percentage of renters that are cost burdened, and pointed out that they already live here. She noted that these people could have benefited if we had required that there were affordable units in that apartment complex, but now they are there anyway and paying way more than 30% of their income.

Ms. Paquet noted that as development picks up, we are going to be slipping even farther behind because we don't have anything in place to help spur affordable housing. She pointed out that we've already adopted conservation development which already gives infrastructure cuts, which removes costs to the development so there are savings that come out of the equation, but we aren't getting any affordable homes. She noted we could have been getting some because we've already made it more affordable to develop in the first place.

There was discussion on the ordinances that have been drafted and the progress that other towns are making. The Board went over the proposed agenda and discussed having the Town Solicitor

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address the affordable housing law. The Board noted that we want to have an open discussion with the Town Council.

REPORTS AND SPECIAL ITEMS

Election of Planning Board Officers for 2014

Chairman, Vice Chairman, and Secretary

Motion to keep the same officers as follows: Brad Ward as Chair, Tom O'Loughlin as Vice Chair, and Tim Regan as Secretary. Berry-Regan (4-0)

COMMENTS BY BOARD MEMBERS

ADJOURNMENT

Motion to adjourn. Berry-Regan (4-0). The meeting ended at 8:55 p.m.

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PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, February 10, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (6:32 p.m.), Secretary Tim Regan, Mark Boyer, David Berry (6:31 p.m.), and alternate Brian Wallace. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Chairman Ward called the meeting to order at 6:30 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

January 13, 2014 Regular Meeting

Motion to accept the minutes. Regan- Wallace (3-0) with Boyer abstaining.

Mr. Berry arrived at 6:31 p.m.

Minor Residential Subdivision: As-Built/ Final Plan Review, cont.

“Pine Estates, Phase 1” – AP 53, Lot 6-1

--new road off Hopkins Hill Road; 5 lots

Owner/Applicant: Shoreline Properties (Joseph Catelli)

-also set performance and maintenance bond amounts

Joseph Catelli, owner of Shoreline Properties and Michael McCormick, PLS of Alpha Associates approached the Board.

Mr. O'Loughlin arrived at 6:32 p.m.

Mr. Catelli explained that due to the weather, he hasn't been able to complete 3 of the items. He noted that the cistern is completed, but that it needs to be inspected. He noted that the material is there for the spillway and that he intends to finish it in the next two weeks, and asked if someone from the Town could go and inspect it and report back. He noted that once those items are completed he will post the bond. He noted that he wants to hold off on paving the final coat for as long as he can. Mr. Ward asked the Board if they would be in favor of setting the bonds after the items have been completed and verified administratively, instead of coming back next month. The Board members noted that they would be ok with this. It was noted that the Board will set the bond amounts tonight and that they shall be posted after the outstanding items have been completed and administratively approved.

Mr. McCormick asked for clarification about the no-cut buffer reference required to be in the deed and if it is a metes and bounds easement. It was clarified that there shall be notice in the deed of the requirement of property being subject to the no-cut buffer, which shall reference the no-cut buffer as shown on the recorded plan.

There was discussion on the name of the road. It was determined that the road name shall be Bentley Lane, and not Bentley Boulevard.

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Mr. McCormick presented the Board with a detail for the no-cut buffer monuments, which are a 4 x 4 post with a 6 x 12 white aluminum sign with green letters that says 'no cut buffer,' that will be screwed onto the face of a 4 x 4 post sticking out of the ground about 3 feet. He indicated where the 6 posts will be spaced on the buffer at the ends, mid-points, property line, and angle point.

Motion to approve the plan entitled, "Pine Estate, Final Record Plan" Assessors Plat 53, Lot 6-1, prepared for Shoreline Properties, Inc., prepared by Alpha Associates, Ltd., dated October 2013, sheet 1 of 5 and the plan entitled "Project, Pine Estate Final Plan" dated October 2013 consisting of sheets 2 through 5 prepared by Gordon R. Archibald, Inc., consisting of As-Built plan, notes, and details, with the following conditions:

Conditions of Approval:

1. Address all comments from consulting engineer letter dated January 10, 2014
2. Open Space and Recreation fee to be assessed on the five lots at time of recording, paid at recording.
3. Replenish Project Review Fee account, as needed
4. Include No-Cut Buffer in Deeds for Lots 1 & 2
5. Post cash Maintenance Bond in amount of \$30,075
6. Post cash Performance Bond in amount of \$49,300 (for landscaping, final paving, erosion controls)
7. Complete outstanding items prior to recording
8. Install no-cut buffer monumentation
9. Each house lot shall use proper erosion and sedimentation controls for house construction, and shall not exceed the limits of disturbance
10. Revise the Deeds for 2 drainage easements, the road, cemetery access, the cistern (utility easement) and two Defeasible easements on the cul-de-sac per Solicitor's comments.
11. No cut buffer is shown, as required, on the record plan and shall be referenced in the deeds for those lots
12. Reimburse the Town for the road name sign and install the stop sign and two intersection ahead signs
13. Road Name shall be Bentley Lane
14. 200 foot OWTS setback is shown on record plan, as required
15. Site distance clearing will be reviewed by the Planning Board in the Spring
16. Fire Chief shall review and approve of the cistern installation, piping, and access to it
17. Inspections by the Town are on-going, especially for the outstanding landscaping, loam and seed, and site stabilization/ maintenance of erosion controls.
18. The required no-cut buffer shall be monumented with iron pins and 4x4 posts, with little signs as presented at the February 10, 2014 meeting indicating that it is a no-cut buffer.
19. A 10-foot wide easement is shown on the plan for the cemetery access, however, it needs to be ensured that there is physical access within this easement. This shall be reviewed in the Spring.
20. The landscape plan calls for 36 trees, of which 20 would be street trees along the road up into the development, and 16 are proposed as a screen to the drainage pond for the view from Hopkins Hill Road. There may be an issue here with site distance looking to the north and the Planning Board shall review this in the Spring.

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21. Upon completion of the outstanding items, the Town Planner may process the posting of the bonds.

Berry-Regan (4-0) with Boyer abstaining. (Wallace not voting)

REPORTS AND SPECIAL ITEMS

Ms. Paquet informed the Board of an upcoming workshop by GrowSmart RI for Making Good Land Use Decisions that will be held in Cumberland.

COMMENTS BY BOARD MEMBERS

Mr. Boyer noted that he was contacted by an engineer who took a look at the Town's Conservation Development ordinance and that he thought it was too restrictive. It was noted that the State changed the law and that the Town cannot subtract out steep slopes from the land area. It was decided to add this to next month's agenda to review.

Mr. Ward stressed the importance of having firm figures established for bond amounts presented by the engineer prior to the meeting, and to have them approved by the Finance Department. The Board expressed concern of math errors when the Board adds or subtracts items out of the bond.

ADJOURNMENT

Motion to adjourn. Berry-Regan (5-0). The meeting ended at 6:53 p.m.

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PLANNING BOARD SPECIAL JOINT MEETING WITH TOWN COUNCIL

A special meeting of the West Greenwich Planning Board was held jointly with the Town Council on Monday, February 10, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry, and alternate Brian Wallace. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was a quorum of the Planning Board.

Members of the Town Council present were: Council President Mark Tourgee, Susan Woloohojian, Thomas Mulcahey, and Greg Coutcher. Town Administrator Breene was present.

Truck Stop: AP 49, Lots 2 and 3; AP 48 Lot 2-3

-- 849 Victory Highway; Zoned Highway Business

Owner: Travel Center of America (TA)

-Discussion on progress of improvements at the truck stop

TA Truck Stop General Manager Ryan Khanifov was present.

Mr. Ward noted that the truck stop has had some recent approvals from the Planning Board and that a bigger project will be coming before the Board. Council President Tourgee informed everyone that there was a recent meeting at RIDOT about complaints from residents about the traffic back up at the Truck Stop, and safety issues. He noted that with the new owner, it is much more congested and that they are going to be doing more improvements and will have agreements with fleets of trucks. He noted that RIDOT said they had no money to put into the project, but that they would give in kind services and that they were on board with a turning lane going north. He noted that tonight's meeting is to let the Board know that the Town Council will be advocating that the turning lane be put in, and that the Council feels that this business is going to have a lot of added traffic than there was. He noted that the charge of the Council and Boards are the public safety and welfare of the residents. He noted that we need to try to work with the truck stop business to get that turning lane in, which will benefit everyone. He noted this needs to be addressed now while there are still improvements being planned for the truck stop.

Town Administrator Breene noted that RIDOT was quite enthusiastic about the truck stop because it serves a purpose of one of the only places for trucks to rest in Rhode Island. He noted that RIDOT would also work with everyone about the Breakheart Hill Road intersection.

Mr. Breene explained to Mr. Khanifov that the two biggest issues are getting Breakheart Hill Road straightened out and addressing the traffic on Route 102 and asked him to go back and tell his company about this. Councilman Tourgee stressed that the Town is going to advocate strongly for a turning lane there and noted that the truck stop needs to work with us. Mr. Boyer noted that the Planning Board will be looking for the center turn lane on the Master Plan. Mr. Khanifov noted he will bring it to his company's attention and asked if a letter from the Town could be sent about it. Mr. Ward noted that Mrs. Letendre had brought this issue up about trucks turning into the truck stop at the one of the last Planning Board meeting and pointed out that their engineer should be on notice because this is not anything new.

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Ms. Paquet noted that when she met with RIDOT and the consulting engineer that he indicated that cost may be an issue for his client, and the RIDOT noted that they don't have money to do this. Mr. Breene noted that it is not a long distance.

There was brief discussion on the changes planned at the Truck Stop and what projects have already been approved by the Planning Board. Ms. Paquet noted that they do not have approval to do the paving, which will need to come to the Planning Board. Mr. Ward noted the Board will be looking for the Master Plan. Mr. Khanifov noted that there is a need to act on fixing the parking lot because trucks are damaging their tires.

Councilman Tourgee explained to Mr. Khanifov that the Town would like him to relay the message to his bosses that this is a serious subject about the safety issues on Route 102 and that we would like his company's cooperation to solve that issue. He pointed out that just as the Truck Stop has concerns and claims about the safety for their parking lot, the Town has complaints from the residents about Route 102.

The Planning Board asked for a copy of the letter that gets sent out.

After Mr. Khanifov left the meeting, there was further discussion on the topic. Mr. Wallace noted that the truckers don't yield at the sign. Mr. Breene noted other complaints about trucks going down Breakheart Hill Road. Mr. Mulcahey pointed out that if they have to pave the parking lot, they are going to have all the equipment there anyway, so it shouldn't be that difficult to improve Route 102 while they are improving the parking lot.

Affordable Housing

-discussion on progress of the Town of West Greenwich Affordable Housing Plan

Ms. Paquet gave a background of the situation noting that the Town has slipped backwards on the 10% goal, going from 1.8% to 1.46% of the housing stock being designated affordable. She noted that as more development occurs, we are going to get farther and farther behind. She explained that there are ordinances that have already been drafted for the Town to implement our Affordable Housing Plan that could be adopted and that the Town should take a look at them to see what we would be interested in and what could move forward. She discussed what an affordable home is and why they are important to our community and our economy. She noted that a safe affordable home is a basic human need and that when people have no choices, they are willing to spend more of their income on housing in order to avoid being homeless, which takes away money that they could be spending on other needs, which adds to stress and affects the wellbeing of these households.

Ms. Paquet quoted the purposes of the Zoning Ordinance speaking to health, safety, and welfare, and promoting a balance of housing choices for all income levels.

Administrator Breene noted that a lot of the rural towns have a low percentage and noted that these rural towns don't have anything to offer like busses or a supermarket. He questioned if they don't have a car, where are they going to go to get basic needs, because even Mishnock isn't walking distance from anything. He expressed his concerns with the affordable housing legislation and the types of housing that does not count towards the 10%.

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Mrs. Letendre talked about the amendments that were made to the legislation in 2004 and 2005. She explained the difference between affordable housing and the low and moderate income housing and explained what counts towards the 10% according to the law and the requirements that need to be in place in order for it to count. She explained why mobile home parks don't count under the current law.

Mrs. Letendre discussed what median income is and why there are problems with allowing up to 120% of median income when the market provides for homes in the price range for this income level.

Mrs. Letendre explained that the law mandates that every town have an approved affordable housing production plan in place to reach the 10%.

It was noted that inclusionary zoning is a tool to prevent a town from going backwards. She explained that the concerns with affordable housing mandate are well known. She noted that she attends the Housing Oversight Committee meetings and discussed some of the topics that are discussed at those meetings, such as the concerns raised by Administrator Breene and other concerns.

Administrator Breene asked what the penalty is if the Town doesn't do it. Mrs. Letendre passed out a handout about the Comprehensive Permit Review process and the sets of criteria that need to be demonstrated on the record for these types of applications. She noted that without a State approved affordable housing plan, the town has no grounds to deny a comprehensive permit application. Mr. Boyer suggested that instead of trying to deny applications, wouldn't it be better to figure out a way to accomplish a good percentage of affordable housing. He expressed concerns that trying to make a certain percentage of every subdivision be affordable isn't going to work. He noted that the Town would be better off to be proactive and identify parcels of land that the Town might be able to get either inexpensively or donated, and create a Housing Authority. Mr. Ward pointed out that the critical component is that if the Town does not attain the 10%, that it is subject to those Comprehensive Permits. Mrs. Letendre noted that the town has to show that it has a plan to get to that 10% and that it has been implementing that plan. She explained the requirements that need to be in that plan.

Mrs. Letendre noted that there are a lot of changes occurring right now with the State about what agencies are involved with affordable housing and the staff and appointment changes that are occurring.

There was discussion on the Town's Comprehensive plan and that by June 2016 each Town needs to have an updated Comprehensive Plan in accordance with the new legislation, which includes an updated affordable housing plan as a part of the Comprehensive Plan. There was discussion on what happens if the Town doesn't have a State approved Comprehensive Plan.

Mr. Ward noted that this Town definitely needs some elderly affordable housing and some workforce affordable housing for people just starting out.

The Board discussed some areas in Town where affordable housing can go and where there are some services. Mr. Breene pointed out that 60% of the people in this Town don't have kids in

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the school and that we have an aging population. He noted that their frozen taxes is the only thing that's saving them.

There was discussion on the Rhode Map RI project and how there will be a new State Strategic Housing Plan. Mr. Regan suggested waiting to see what that plan says. Mrs. Letendre noted that the Town can start collecting the housing data now to see what the need is.

Councilman Tourgee expressed concern with rental units and kids in the school system and the school budget. He noted that the school budget is out of control, and that the problem is that it continues to rise even though the number of kids continues to decrease. He questioned what the State can do to us and what the risk is. It was noted that the only risk is the Comprehensive Permits.

Mrs. Letendre discussed the importance of the thought process and documentation of the decision making during the Comprehensive Permit application process, and the importance of being consistent with the Town's affordable housing plan. She discussed how a well written decision is important for the town to defend against high density developments.

Mr. Ward noted that we need to make sure that we have an approved affordable housing plan.

Ms. Paquet discussed the types of concerns that the State Study Commission will be working on. She then discussed the current data from the American Community Survey and passed out the CHAS data for West Greenwich, pointing out that only looking at the households making 80% or less of median income that are cost burdened, that it totals 22% of *all* the households in West Greenwich, and that 15% of our households are severely cost burdened, meaning that they pay more than 50% of their income on housing. She noted that she wanted to point this out because these numbers are bigger than 10%.

Ms. Paquet discussed what the zoning is in the surrounding communities and what the other towns have in place for affordable housing and what they are doing to encourage affordable housing. She gave some details about affordable housing developments in our neighboring towns.

Mrs. Letendre noted that the Town could partner with an affordable housing developer.

Ms. Paquet discussed the Town's existing Affordable Housing Plan and passed the map around. She talked about the strategies that the plan lists and the locations where the Town determined each of the strategies could go. She noted that the strategies would need to be adopted in the Zoning Ordinance. She noted that many of the strategies have already been drafted into ordinances.

Ms. Paquet suggested some other ideas that could create affordable homes in Town that are not listed in the plan.

There was discussion on gathering the data to update the affordable housing plan.

Motion to adjourn. Berry-Regan (5-0). The meeting ended at 8:55 p.m.

WEST GREENWICH
March 17, 2014
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, March 17, 2014. Present were: Chairman Brad Ward, Secretary Tim Regan, Mark Boyer, David Berry, and alternates Bill Bryan and Brian Wallace. Vice Chairman Tom O'Loughlin was absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Chairman Ward called the meeting to order at 7:06 p.m.

It was determined that there was a quorum. Alternate Bryan shall vote.

CONSENT AGENDA

Acceptance of Minutes (CA)

February 10, 2014 Regular Meeting

February 10, 2014 Special Joint meeting with Town Council

Motion to approve. Boyer-Berry (5-0)

Major Residential Subdivision: Master Plan

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

--Off Hopkins Hill Road; proposed new public road and 27 conventional house lots

Consideration for Conservation Design Development

Land Owner: William & Karen Pine

Applicant: Shoreline Properties, Inc. (Joseph Catelli)

-Planning Board to determine application Completeness and set date for Public Informational Meeting

-consider Request for Waiver of Checklist Item Wetlands Edge Verification

Mr. Boyer confirmed with the Town Solicitor that there was no need to recuse himself considering he last worked for the applicant six months ago and is not currently under contract for any current or future work.

Attorney John Brunero, Jr. approached the Board. Also present were applicant Joe Catelli, engineer Timothy J. Behan of TJB Engineering and surveyor Michael McCormick of Alpha Associates.

Mr. Brunero discussed taxability of the open space land owned by a homeowners' association.

The Board expressed concern with a homeowners' association and with the yield plan.

There was discussion on the waiver request from the Wetland Edge Verification by RIDEM checklist requirement. Mr. Brunero asked to have this requirement submitted for the Preliminary Plan application. Mr. Boyer noted that an edge verification and a preliminary determination are two different things. He noted that when RIDEM looks at a preliminary determination, they do not verify the wetland edge.

Mr. Boyer asked Mr. McCormick how long the edge is. Mr. McCormick noted it is a pretty cut and dry edge on a steep slope down to a wetland. He noted that it is not going to move up and down. He noted that they are trying to expedite this and that it will take three months at RIDEM

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and cost \$5,000. He noted that the wetland biologist is very good, and requested that they submit the edge verification along with the preliminary determination. He noted that he doesn't think it affects the lot count. Mr. Behan noted that the density calculation entitles it to 34 lots and they are clustering it down to 17.

Mr. Boyer noted that it is a requirement and expressed concern with making exceptions. He asked for the linear footage of the wetland. There was discussion. It was decided to have the edge verified on the development side for a certain distance.

Mr. Bryan asked for clarification if the Board was considering holding the Master Plan meeting without having the findings from RIDEM. Mr. Brunero noted he would have no problem deferring the vote on the Master Plan until it was received.

Mr. Bryan asked if the Board needed any information about the well yields for this density. Mr. Ward noted it would be the well ordinance. Mr. Bryan asked about the open space and if it would be restricted from ever being sold in the future for development. It was noted it would be restricted and would be deeded over to a conservation entity.

Mr. Ward polled the Board about the timing on the Wetland Edge Verification. Mr. Brunero noted that the application would still not be certified complete and that the clock would not start ticking for the Town (referring to the time period in which the Board has to render a decision on the application). Ms. Paquet requested that the wetland biologist report at least be submitted to the Town as part of the application. The Board discussed allowing the Master Plan meetings to commence without the Wetland Edge Verification as long as it is submitted to RIDEM within 30 days.

Motion to approve the temporary waiver request to require that only the easterly edge of the "A" series wetland be verified by RIDEM and the process can proceed with the Master Plan review with the condition that the Wetland Edge Verification application shall be submitted to RIDEM within 30 days, and that the wetland biologist's report is submitted to the Town for the application as soon as possible. Boyer-Berry (5-0)

Mr. Berry raised the other comments from the Town Planner's memo. Ms. Paquet clarified that the Board needs to have those discussions during the informational meeting, and she asked the Board if they feel they have enough information with the application package that was submitted to be able to answer those questions.

There was discussion on the yield plan and the abutting properties. There was discussion on the seventy-five foot buffer.

Mr. Ward volunteered for the technical review committee meeting.

Ms. Paquet asked if the Board needed the report by a qualified consultant documenting the conservation resources on the property. She noted that the Board will need to specify the purpose of the conservation land during the master plan meeting. It was noted to work on this during the TRC meeting. Mr. Ward noted that if the report is required by the TRC, the applicant will have to get it. It was noted that this requirement is not being waived at this time.

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The Board took a five minute recess at 8:11 p.m. .

Advisory Opinion to Zoning Board for Special Use Permit for Additional Signs than permitted by Zoning Ordinance Sign Regulations for the Exit 7 Special Management District

“Center of New England Medical Center” AP 1, Lot 4-2

-- 775 Center of New England Boulevard; Zoned Exit 7 Special Management District

Owner: Graceco, LLC; Applicant: Dr. Anthony Farina

No one was present for the applicant.

Mr. Bryan noted that no other development on either side of the boulevard has signage at the road. He noted that in order to put the sign in, they would have to remove established landscaping. He noted he does not think it is needed because there is signage on the building. He noted that it is not a case where ambulances are going to be going in there and that he thinks it is overkill. Ms. Paquet noted that they are allowed up to 200 square feet of building mounted signs, which is the size of the wall sign, and that the other signs are extra. There was discussion. The Board expressed concern of a precedent. The Board noted the signs are redundant.

Motion to send an advisory opinion to the Zoning Board in favor of the monument sign with the condition that it is restricted to the use of the building for medical treatment, and if the use changes, the monument sign must be removed. This is based on the fact that this is located within the Exit 7 Special Management District and that the use is for health and safety. The Board does not recommend approval of the urgent care totem pole sign. Berry-Regan (4-1), with Mr. Bryan voting nay.

PLANNING PROJECTS

Conservation Design Development

-Review of regulations and ordinance

There was discussion on the Conservation Design provision. It was decided to have a work session.

REPORTS AND SPECIAL ITEMS

Modification to Physical Alteration Permit- Dunkin’ Donuts on Route 3
-requested by RIDOT to improve traffic flow on Route 3; includes widening curb cut, and changes to parking lot layout, removal of pavement for no increase to drainage

The Board had no comment.

ADJOURNMENT

Motion to adjourn. Berry-Boyer (5-0). The meeting ended at 8:46 p.m.

WEST GREENWICH
April 21, 2014
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, April 21, 2014. Present were: Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry, and alternate Bill Bryan (7:26 p.m.). Chairman Brad Ward and alternate Brian Wallace were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Town consulting engineer Dan Cotta, PE, PLS of American Engineering was also present. Vice Chairman O'Loughlin called the meeting to order at 7:05 p.m.

It was determined that there was a quorum.

Acceptance of Minutes (Consent Agenda)

March 17, 2014 Regular Meeting

Minor Subdivision (Consent Agenda)

Minor Residential Subdivision: Preliminary Plan

AP 58, Lot 2 at 150 Bates Trail; two frontage lots proposed

Owner/Applicant: F. Paolino Homes, Inc.

Consent items were tabled to later in the meeting.

Advisory opinion to Town Council for Zoning District Map Change- AP 6, Lot 21-2

-Location: 39 Nooseneck Hill Road; Proposed zoning map change from Rural Farming Residential 2-acre (RFR-2) to Highway Business (HB) for commercial use.

Owner/Applicant: 39 Nooseneck Hill, LLC (Michael Kent)

Attorney John Brunero, Jr. of 1070 Main Street in Coventry, representing the applicant, approached the Board. Mr. Brunero explained the application and the location of the property and the surrounding area. He noted that there is no specific use proposed and acknowledged that any change in use would have to come back before the Board for Development Plan Review. He described the property and noted it is accessed from a deeded private 50 foot right-of-way, which both Mr. Asselone and his client have agreed to enter into a maintenance agreement to share responsibilities.

Motion to recommend to the Town Council the approval of the requested Zoning Map amendment for the application of 39 Nooseneck Hill, LLC, dated 3/13/14, for the property of AP 6, Lot 21-2, to change the zone from Rural Farming Residential 2-acre to Highway Business, with the following conditions, and is based on the following findings of fact, findings of consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning:

Findings of Fact:

1. The parcel is currently zoned for Residential use, which is inconsistent with the goals of the Comprehensive Plan, and is surrounded mostly by other commercial uses.
2. The parcel fronts on Nooseneck Hill road, a major arterial, has physical access via private Seth Way, and is in close proximity to the interchange of I-95.
3. The parcel is a 6.18 acre lot and contains one vacant structure formerly housing a church center.
4. The parcel meets the minimum zoning dimensions for the Highway Business zone.

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5. Any development proposal for the site will be required to go before the Planning Board for Development Plan Review.

Consistency with Comprehensive Plan:

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

Economic Development chapter

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

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

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

Land Use chapter

Goal # 6 To enhance, strengthen, and promote existing Highway Business districts.

Policy 16. The Town shall enhance, strengthen, and promote development within existing Highway Business Districts.

Findings of Consistency with the Purposes of Zoning:

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

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

Boyer-Regan (4-0)

Minor Land Development Project: Drainage (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 plan for off-site drainage

Mr. Paul Surabian, President/owner of Douglas Construction approached the Board for the applicant. Mr. Hermond Ghazarian was present in the audience. Ms. Jean Lambert, PE from SFM Engineering, the project design engineer, was present.

Vice Chairman O’Loughlin asked for an update of the site after the most recent runoff event, and the cause of the incident and what has been done to remedy that issue.

Mr. Surabian noted that they are still in the process of vegetating the site. He noted that the opinion of the design engineer is that it still needs to be vegetated further. He noted that the reason for the most recent outfall was that some of the water from Route 102 and the north side of the site, instead of flowing into the northern detention basin, got by it and ended in the lower pond. He noted he thinks this was enough to overwhelm the lower pond and spill over the weir. He noted that there was never a grading plan for the northern area because it was part of a future phase 3, and noted that it has since been graded and was acceptable last Fall. He noted that during the winter, the weather conditions changed the condition and it snuck by during this most recent rainfall. He noted that this has since been re-graded, and that they would have reseeded it

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by now, but it was recommended that it was too early to reseed it due to the cold weather. He noted that they will start reseeding and fertilizing the entire site this week. He noted that there is some seedlings growing from last Fall's seeding.

Mr. Boyer asked if the pond is leaching. Mr. Surabian noted that it is, and described the conditions from two rain events since the out spill. He noted it is a question for the engineer if it is working. Mr. Boyer asked for the engineer to speak to this. Ms. Jean Lambert, PE from SFM Engineering approached the Board. Mr. Boyer asked Ms. Lambert if the pond is leaching. Ms. Lambert noted that it is leaching, but not quite as designed. Mr. Boyer noted that he went out there at 6 o'clock the Monday after the storm and observed that the level of the pond was at the spillway, and noted that 22 hours later he observed that the level was maybe an inch and a half below, but saw that somebody had opened up the release valve to drain the pond. He stated that the pond is not leaching and that it is pretty underhanded for someone to open up that gate valve to lower the pond, because it could give false readings. He expressed frustration with what happens to the neighbors every time there is a rainstorm, and asked what is going to be done about it. Ms. Lambert responded that they have some ideas. She explained that because the way the pond has been holding water, they believe that some fine sediments have floated to the top and there is a layer of silty, tiny particles that prevents the water from leaching through the way it is designed to work. She stated that when the pond is empty, the bottom needs to be scarified and turned over so that it will mix the soil types together so you won't have that film, and then it needs to be seeded and it will work much better. She noted that she does believe that there is a thin layer of silt in the bottom. Mr. Boyer asked what can be done about the neighbors in the meantime so that they don't keep getting flooded out. Mr. Surabian explained the attempts to communicate with the Robinsons about a plan for a swale around their property, and for a second plan to pipe the water from the outfall down to the street that wouldn't take down any trees. He noted that they haven't had a chance to present that plan to the Robinsons and that the attorneys involved have recently changed.

Mr. Surabian addressed the pond on the Coast to Coast site and noted that it was certified by the engineers that it was built to the plan for volume. Mr. Boyer stated that it is not the volume that is the problem. Mr. Surabian discussed the silt layer and the sand mix and noted that he is willing to scarify the pond, reseed it and do whatever needs to be done.

Mr. O'Loughlin expressed frustration that the Board's recommendation was dismissed. He stated that at the last meeting, the Board's recommendation that you go out there before another storm event was forecasted to look at the pond to make sure it was in good shape to hold the water was dismissed. He noted that the Board was told that you don't do that before a storm, you do it after. He noted that it was prudent in this case that the pond be looked at beforehand, but the Board was dismissed. There was discussion.

Mr. Bryan arrived at 7:26 p.m.

Mr. O'Loughlin noted that he thinks that the Board has a question as to the validity of the design of the pond. Mr. Surabian noted he can't speak to that one way or the other, and noted that water is expected to come out because it has notches. It was noted that the design engineer should speak to that. Mr. O'Loughlin noted that there should be zero net runoff coming off the property and explained that there really shouldn't have to be any design on the abutter's property to

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channel the water through a swale or a pipe to take it out to Breakheart Hill Road, which is just moving the problem off the site, off their site, and to another part of Town. The question was asked if there was a problem there to begin with. Mr. Surabian noted that there was water exiting the site originally, going down the slope, and that the question becomes is the water exiting there now the same as it was before, or if it is more now and that this where the engineer comes in. There was discussion. It was noted that the upper pond is draining much better than the lower pond, and that if the lower pond could be made to drain like the upper pond it would be a better situation.

Mr. Boyer asked Ms. Lambert what the proposal is. Ms. Lambert explained that the pond is designed and built to address the 100-year storm so that there is no net increase in flow from what was there originally. She noted that the site still has not been stabilized fully and that this is making a big difference in the amount of runoff that is getting to the pond, and the fact that it is not infiltrating properly. She stated that the site basically is not done yet. Mr. Regan asked if the last storm if the water did not go around the upper basin if she feels like the pond would have worked. Ms. Lambert explained that she thinks the pond is not infiltrating as it was designed and that there still needs to be some work done on the bottom of the pond. She noted that the upper pond is infiltrating a lot quicker than the lower pond and this is indicative of the fact that there is something holding the water from going through. Mr. O'Loughlin asked if they have come up with what needs to be done to that pond, or any design changes. Ms. Lambert noted that they have not redesigned the pond.

Mr. Boyer asked what the plan is going forward. There was discussion. Mr. Surabian suggested a perc test. Mr. Boyer asked Mr. Cotta if he has any recommendations on how to proceed with this. Mr. Cotta replied that the pond as designed is designed to overflow and that overflow from what he has seen and heard was only two inches over the lower weir notch. He noted that according to the calculations that is about the twenty five year storm, and that we had about a ten year storm. He noted that there was precedent rainfall at the pond that was there before that event, but that having watched the rate that it drained after, he is assuming that the pond was already full and not leaching. He raised the question that even if we get a 25 year event if that is an acceptable amount if it met the design and met the rules. He noted that to him that is an unacceptable amount of water, and that if they get a 100 year storm it is going to be a mess.

Mr. Boyer noted that initially it was the Board's idea to put in some kind of swale or drainage structure around the house to eliminate any overflow. He noted that this was a 10 year storm and their sanitary system was completely submerged. He asked what can be done to remedy this. Mr. Surabian noted that since then, they have regraded to make sure that all the water from the upper side goes into the upper pond, which should help to reduce the flow in the lower pond. He noted that this will help, but doesn't know if that will fix the 25 year storm. Mr. Cotta noted that he doesn't believe that the upper pond overflowed. He noted he went down and tried to find the dirt line, and noted that he believes it topped out at about three quarters full, but it didn't receive the water it was intended to receive. He noted that inside those piles, something blocked and it got high up and flowed toward the building and short circuited the pond. He noted it ended up between the loam piles and the building and you can trace that swale and the evidence of the runoff up that edge. He noted it jumped into the swale to give the appearance that it was coming down that swale and cut across the fire road and back into the trench. He noted that at this point that has been fixed. He noted that the site not being vegetated is an issue, but even when this is

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fixed to the plan, some of the larger storms are going to fill over that spillway and will appear to have an unacceptable effect down stream. He noted that in his opinion he would fix everything so that they are down to the previous storms, but in order to assure that there are less problems, the only solution he can see is to pipe it around the house. Mr. Boyer asked to hear from the Robinsons.

Attorney Nicholas Gorham, of Gorham and Gorham in Scituate, addressed the Board and noted he was representing the Robinsons. He noted that he contacted their previous attorney about the plans but noted that there are no plans, which are the facts as he knows them. He noted that the storm in late March submerged their septic system for the second time in less than a year. He urged the Board that anything that they can do to compel this company and their professionals to fix this problem would be appreciated. He noted that something has got to be done. He noted that they are keeping all remedies open for the Robinsons. He offered access to a cd of photographs of the event if the Board feels that further evidence is needed, and he offered to the Board to interview the Robinsons on how this has affected them. He noted there should be another meeting to see what the remedy is and noted that he hasn't heard any concrete remedy tonight.

There was discussion on the Notice of Violation in effect.

Town Solicitor Ursillo noted that the idea is to see what the fix is going to be and that it sounds like the issue is going to have to be a fix that will involve some kind of piping or swale. He noted that it sounds like from the engineer that even if this is working perfectly, that if there is a huge event, unless there is some type of piping or swale in place, this is not going to go away. He noted that it not only sounds like they need to fix whatever problem there is with the lower pond and do all the vegetating, it sounds like there is going to be something more needed.

Mr. Boyer suggested that they come back at the next meeting with the plans, and in the meantime the design engineer needs to get in touch with the town engineer to find out some kind of remedy, because if it doesn't work in a 10 year storm, what is going to happen with a 25, 50 or 100 year storm. He noted that there is an elevation change there and that they also have to take a look at that catch basin that is in the road. He directed the applicant to come back at the May meeting with a concrete resolution. He noted that there needs to be a plan, a course of action, and a resolution. Mr. Berry noted it sounds like the lower pond needs to be increased substantially. Mr. O'Loughlin noted he thought that is what they were going to present to the Board tonight, not just that this was caused by a lack of vegetation. Mr. Regan asked if the design engineer has anything more to say or present. Ms. Lambert asked if it was pertaining to plans specifically on the site or plans to help the Robinsons or both. Mr. Berry said both. Mr. Regan indicated that the Board was more interested in maintaining it all on site.

Mr. Gorham asked for a copy of the plans and it was noted that they are in the Planner's office, and also Mr. Surabian noted he would send it out to him. There was some discussion on the miscommunication amongst the parties and Solicitor Ursillo noted that everyone knows who is here tonight and that the miscommunication should end immediately.

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Ms. Lambert noted that they can try to redesign the pond to see how much they can hold on the site. Mr. Boyer noted that they need an answer by the next meeting. Mr. O'Loughlin directed them to be at the next meeting with a game plan. Mr. Boyer noted that in the meantime if there is another significant storm forecasted he suggests that they should do their due diligence to make sure that the pond is acting the best it can so that the Robinsons don't get bothered by the Coast to Coast water. Mr. Surabian agreed, and noted that they will continue to vegetate what is there.

The Board moved to hear the consent agenda items and Mr. Berry and Mr. Regan recused themselves from both items.

Motion to hear the consent agenda items separately. Boyer-Bryan (3-0)

Acceptance of Minutes

March 17, 2014 Regular Meeting

Motion to approve the minutes. Boyer-Bryan, 2 in favor and Mr. O'Loughlin abstained.

Minor Subdivision

Minor Residential Subdivision: Preliminary Plan

AP 58, Lot 2 at 150 Bates Trail; two frontage lots proposed

Owner/Applicant: F. Paolino Homes, Inc.

Mr. Nathan Lauder, PLS, with Cherenzia and Associates approached the Board. Mr. Lauder presented the application proposal for the two lot minor subdivision and described the location of the property. He described how the lots meet the zoning requirements and noted that they have approved septic systems in the locations and sizes shown on the plan for single family residences.

Mr. Boyer asked what the water tables were and what kind of systems they would be. Mr. Lauder noted that the water tables were decent and that they are flow diffuser conventional type systems.

Mr. Boyer asked Mr. Lauder if he has seen the Planner's comments and Mr. Lauder noted he had. Mr. Boyer discussed the comments from the Public Works Director and asked if they can cut the width of the driveways down. Mr. Lauder noted that they can to 12 feet.

Mr. Boyer discussed the proposed conditions of approval pertaining to a site plan and a stormwater maintenance agreement. He asked what the stormwater maintenance agreement is. Ms. Paquet explained that it is to ensure that the stormwater infrastructure on the private lots is maintained. Mr. Boyer noted he thinks that it is putting a burden on the Town and asked what happens to the agreement when the property gets sold. Ms. Paquet explained that it is recorded. Mr. Boyer expressed concern between theory and practice and noted that the homeowner won't know about it. He noted that a site plan should be designed so that they prove that they try to maintain and keep as much of the water on site as possible. He noted that he spoke with the Public Works Director this evening and that his concern was water rushing down the driveways like a waterfall and that he asked that anything they could do he would be appreciative. Mr.

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Boyer noted that he thinks it is overkill for a two-lot subdivision and that there are other provisions in the minor subdivision regulations that minor subdivisions with no road creation get leeway from the regulations. He went up to the plan and made suggestions to alter the driveway and to use a drainage technique to take the water runoff from the driveway to minimize the runoff that goes into the street. He noted that he ran this by the Department of Public Works Director and that he said that he was fully in favor of that. Mr. Lauder noted that they could do that. Mr. Boyer noted that the concern is the amount of water that runs down to Bates Trail.

Mr. Cotta asked what standard they are going to review the plan to, and noted that the stormwater regs are for a 100 year storm. Mr. Boyer noted that that was geared for roads and not meant for individual lots and asked Mr. Cotta what he would recommend and asked if a ten year storm would be satisfactory for a residence if they put in drywells for their gutters. Mr. Cotta noted that a 10 year storm would be reasonable and noted that it varies. Mr. Boyer noted that would be his suggestion.

There was discussion on engineering the plan. It was noted that it would be prior to the Building Permits.

Mr. Frank Paolino, the owner, approached the Board. He noted that he had moved the driveway about 20 feet to the south which takes out some elevation out of the driveway and also creates a better situation for the drainage so they can keep the majority of the water on the lot. It was noted that this will all get worked out with the engineer design.

Motion to approve the Preliminary Plan for the proposed 2 Lot Minor Subdivision of AP 58 Lot 2, dated February 27, 2014, prepared for F. Paolino Homes, Inc., prepared by Cherenzia & Associates, Ltd., with the following conditions:

1. Pay the Open Space and Recreation Fee for one new house lot at time of recording (est. \$1,800).
2. Follow comments by Fire Chief
3. Follow comments by Director of Public Works
4. That the Planner review the Final Plan administratively
5. That proper erosion controls be used during house construction.
6. Each lot shall have a site plan for review by the Town engineer prior to issuance of a Building Permit, to include site drainage, construction erosion controls, and stabilized driveways so that no erosion or additional runoff leaves the lots (up to 10 year storm), for review and approval by the Town's consulting engineer, and the cost of review and inspections shall be reimbursed by the applicant prior to issuance of a Certificate of Occupancy.

This approval, with conditions, is based on the findings of fact 1 through 8 in the memo.
Boyer-Bryan (3-0)

Mr. Berry and Mr. Regan rejoined the Board.

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Major Residential Subdivision: Master Plan Public Informational Meeting

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

--Off Hopkins Hill Road; proposed new public road, drainage, and house lots

Consideration for Conservation Design Development

Land Owner: William & Karen Pine Applicant: Shoreline Properties, Inc. (Joseph Catelli)

Attorney John Brunero, Jr. 1070 Main Street in Coventry noted he was representing the applicant Shoreline Properties and introduced Mr. Joe Catelli, Mr. Michael McCormick, PLS of Alpha Associates, and Mr. Timothy Behan, PE.

Mr. Brunero described the location of the property and the discussed the prior subdivisions and frontage lots. He noted that they have looked at this from three different designs, one was a flag lot design which was not considered, and the second one that they spent a lot of time on was a cluster conservation design which he indicated is not appropriate for two reasons, one being that the first phase was started with two acre lots and that no one likes it. He noted that the audience wants to hear that it is going to be two acre lots like their lots and noted that he is going to proceed for the meeting to talk about the conventional subdivision. The Board noted that they can proceed with the conventional.

Mr. Brunero noted that a Master Plan is conceptual and that there is no drainage at this time and is looking to have the concept idea approved by the Board.

Mr. Brunero showed on the plan where phase 1 is and noted that the cul-de-sac with the wetland crossing has to be reviewed by RIDEM and that would be phase 2. He noted that if RIDEM approves the crossing, they will be back before the Board. He noted that there are a total of 14 lots on the conventional with the additional cul-de-sac for phase 2. He described the proposed road layout. Mr. Brunero noted that the homes will most likely be built by Mr. Catelli.

Mr. Brunero noted that there is a significant wetland that they will delineate the edge that lies to the westerly side of the property from the northern most portion to the southeasterly side. He noted that they are not going to identify both sides because they are not going to have construction on the other side at this time.

Mr. Brunero noted that there are probably going to be two cisterns and that it will be subject to review by the Fire Department.

Mr. Brunero noted that it is a 14 lot subdivision, and that 12 of them will be in phase 1 and two of them will be in phase 2. He noted that the project still needs to be engineered in accordance with the Town's regulations, and reviewed by the Town engineer, RIDEM and the Board.

Mr. Timothy Behan, PE of TJB Engineering located in East Greenwich approached the Board. Mr. Behan referred to sheet 5 of the plan set and explained that even though it shows the cluster layout that it is a close up view for the proposed drainage even though it will be the two-acre lot layout. He pointed out the areas where there would be detention ponds and described the flows of water on the site. Mr. Behan referred to sheet 6 and discussed the proposed roads and the

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slopes on the proposed roads. He noted they are pretty flat and that they go with the contour of the land and that there are no cuts and fills and so it is a basic easy construction.

Mr. Boyer asked about the water tables. Mr. Behan noted that they are generally good soils out there of the Canton and Charlton complex and that all the areas scheduled for development are indicate as greater than six feet. He noted that the only poor water tables are associated with the wetland.

Motion to open the meeting to public comment. Boyer-Berry (5-0).

Mr. Namvar Moghadam, 919 Hopkins Hill Road, noted that he is happy that the hockey stick plan is out and that they are going to go with the 2 acre lots. He asked if the location of the drainage is going to be the same as shown on the one-acre lot plan, because they said that the drainage hasn't been designed. He asked where they plan to put the detention basin for the two-acre lot plan. Mr. Behan replied that it would be in similar locations and pointed out where a logical spot would be in the low spot and in another area where he pointed to on the plan.

Mr. Moghadam noted that he mentioned that the grades are in a fashion that all the surface water would be going toward the wetland and asked if the road elevation is going to be modified so that the surface water is not going to be able to cross the road and get stuck on the side of the road that they are building. Mr. Boyer stated that it all has to be built in conformance with State standards. Mr. Moghadam clarified if that meant that the water has to travel to where it is actually going to today. Mr. Boyer said yes.

Mr. Moghadam noted that back in 2010 there was a major rain storm and that even though it was a major rainstorm, that whole area where they are showing, the ground water elevation rose quite a bit and asked what provision they have made to make sure that the groundwater elevation crosses and can get to the wetlands and that the water travels so that it can alleviate potential flooding. Mr. Behan explained that at the site walk they had discussed that during the 2010 flood there is an existing depression on Mr. Moghadam's property that filled up with several feet of water. He noted that what they have done for the concept drainage design is extend a culvert at a low elevation to the property line. He noted that they just need to make that physical connection over the property line if they have the authority, which will enable Mr. Moghadam's low spot to drain. Mr. Moghadam said thank yhou.

Gail Murray, 929 Hopkins Hill Road, noted that she has lived there since 1972 and that it was a dirt road back then and now it has been paved for a while. She stated that she has noticed that traffic is an issue and that she thinks that with this many new homes and the vehicles that go with each home, that could be something to plan on. She noted that she also has a dug well and that it has been perfectly good water. Mr. Behan located Ms. Murray's home on the plan. Ms. Murray noted that she has two dogs and there is a fence but that she can imagine that they are going to be barking with all the sounds. Mr. Behan explained that for the well, they are obligated to stay 100 feet away from it with any proposed septic system. He noted that it is State standards and that it is highly regulated and RIDEM is involved in every step. He explained that they have to locate all the neighbor's wells and be at least 100 feet away from the wells when the septic systems go in and that the proposed roadways need to be 50 feet away from the wells.

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Dean Holt, 859 Hopkins Hill Road, expressed that Hopkins hill Road has become a race track and that he often thought that he would like to invite the police to come and park in his driveway because they could make their quota for the month in one day. He noted that ever since the road was paved all the way down cars just race through it. He expressed that if there are potentially 27 houses at the end of the project, that could be 50 odd cars just looking at two per house. He noted that he doesn't know if Hopkins Hill Road could withstand that kind of traffic and that since he has moved here twelve years ago the traffic has increased dramatically.

Mr. Holt asked if with all those wells going in, how is he ensured that water will continue to be enough so that his well works and that they are not draining too much of the water off. Mr. O'Loughlin explained that for any new houses going in, they have to install a well and show it is producing before they can get a building permit for the house. He explained that there is really nothing that the Planning Board can do for what may happen to impact the neighbors' wells. Mr. Holt asked if the houses they are building are producing wells, but what does he do if his well runs out. He noted that this is more houses than he has seen since he's been here, and that the beauty of West Greenwich was that it was rural and it was two acres. He noted that it just seems like more than has ever been built in this Town. Mr. Holt expressed concern of all the cars and asked if there is an exit on Henry Brown Road. It was noted there was not. Mr. Behan pointed out the entrances. Mr. Holt expressed concern of the number of cars using the access between the existing two houses. Mr. Boyer explained that they are allowed to develop the property using the two acre zoning and that if it conforms to the rules and regulations that is how many houses they can get. Mr. Boyer explained that the Board can't control the traffic and noted that if speed is an issue, it is an enforcement issue and relayed his personal experience with speeding through his neighborhood. Solicitor Ursillo noted that the well issue is hypothetical and that each two acre parcel has the right to sink a well and that you can't just prevent someone from doing that and that the Board has no jurisdiction over that. He noted that the Board can't say to the applicant that they can't put their subdivision in because it might affect other people's wells in the area. Ms. Paquet asked if Mr. Holt's well does go dry, what can he do then, such as drill another well or have it fracked. She clarified that it is not an action that the Planning Board can take, it would have to be an action that the individual homeowner would have to take. There was discussion. Someone in the audience from 889 Hopkins Hill Road noted that he has already had a second well drilled on his land, and it was clarified that this was because he ran out of water. Mr. O'Loughlin called order to the meeting and reiterated that the Town has put into place an ordinance for new homes going in but that as the Solicitor said, the Planning Board really has no jurisdiction for if a well goes dry. He noted that someone's well could go dry tomorrow before any of these houses go in. He noted that he has personally had the same concerns where he lives when a ten lot subdivision went in next to him, because he had a very low yield on his well. He noted that this was 10 years ago and that he has not had an issue since, and explained that this is a concern that he thinks that everybody in Town has when they have wells. He noted that his first well was completely dry and it had to be hydro-fractured, and that he was very sensitive when the development went in behind his house and noted that luckily he has not had any issues. He explained to Mr. Holt that he was in his same shoes and that there was nothing that he could do about it because the Board cannot take away the right of the individual to develop their property.

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Mr. Holt asked if there was a way to limit the number of houses that go in. Solicitor Ursillo noted it is by the rules for the two acre zoning.

Brian Igoe, 869 Hopkins Hill Road, noted he lives where the road is going in. He noted that he has small children and that the new drainage pond they put in down the street is an eyesore. He noted that there are no trees around it and it is just a big drainage field which is an eyesore and that if this is an indication of what they are going to do on this project, it is discouraging. He asked about some trees and some flowers. Mr. Igoe expressed that traffic is going to be a problem and that it is already an issue. He noted that with 27 houses you are going to have kids in there and expressed concern of speeders and asked about putting in some sidewalks and buffer areas.

Mr. Igoe expressed concern of the existing rain water runoff that flows towards his house. He noted that he spent money during the floods to get the water away from his house and into the back to be taken out.

Mr. Igoe referred to the letter from 879 Hopkins Hill Road and asked out of concern for losing the rural character if along the road they can put in a fence or some trees along both sides to buffer the sides. There was discussion.

The Board replied that the applicant will have to do all the drainage for the Preliminary Plan and that if the Board feels that there is additional buffering needed they will have it at Preliminary. Mr. Brunero replied that they have to design a drainage system that creates no additional runoff on to his property, and that the Town engineer is going to review it. Mr. Brunero addressed the existing drainage basin and noted that DEM says you can't plant too much in there because it grows in too much and creates a forest. Mr. Behan confirmed that RIDEM does not like trees in the detention ponds because if the tree fell down the root system can open up along the side embankments and let the water out. Mr. Igoe noted that he is worried about the way the water flows now with rain. Mr. Boyer asked if there are sidewalks proposed. Mr. Behan stated that there is nothing right now. Mr. Boyer asked if there is going to be any drainage or swales where the roadway entrance is going in. Mr. Behan pointed to where the low spot is in the roadway and noted there will be catch basins there and that it will be piped into the development down into the detention pond. Mr. Boyer asked where the nearest detention pond will be. Mr. Behan pointed to it. Mr. Boyer asked Mr. Igoe if was referring to the detention pond at the front entrance of the existing subdivision. Mr. Igoe confirmed it is the one coming off Hopkins Hill Road. Mr. Igoe noted that he lives at 869 Hopkins Hill Road and that in 2010 his basement got water in it and that since then he put in French drains and graded so that the water coming from 879 Hopkins Hill Road goes into the woods. Mr. Boyer noted that there will be some landscaping done on this.

Mr. Igoe expressed concern of the trash thrown out car windows and asked if there will be an association fee that could cover this. It was noted that there would not be a homeowner's association.

Mr. Brunero asked Mr. Igoe to get together with his neighbor and come to an agreement on if they are looking for a fence or a trees for a buffer so that it is the same on both sides of the road.

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Ron Pelletier, 889 Hopkins Hill Road, asked for a timeline on the project. Mr. Catelli noted it depends on the market for the homes, but that for the road it would take six months to construct. Mr. McCormick noted there is permitting and that they wouldn't be breaking ground on the road construction for 8 to 10 months.

Mr. Pelletier expressed concern that he moved here to West Greenwich because he lived in Coventry and they lost their privacy with an abutting development, and noted Coventry did not have any buffers. The Board noted that there will be a buffer along the rear property lines.

Colleen Derjue, Henry Brown Road, noted that her family owns the acreage surrounding this development and asked what happens where the plan shows the road ending at the abutting land. It was noted that these are conceptual plans and that the road can't continue until and unless there is access from the other side.

Dan Novak, 929 Hopkins Hill Road, referred to the letter from Mr. Leary. Ms. Paquet explained that it arrived today and passed out copies to the Board. It was noted that the letter is on the record. Mr. Novak discussed the concerns of the letter in terms of whether the development is in conformity with the Town's Comprehensive Plan. Mr. Novak expressed concerns about what it was like living next to the first phase while it was under construction and noted that it is constant noise and increased traffic, and a lot of felling of trees. He noted that it is like adding a whole new community and questioned what is meant by 'rural.' Mr. Novak discussed the thought of affordable housing and noted that a good community has a diversity. He expressed concerns of the disturbances of the noise and traffic and the impact to the community and town services. He noted that the 'rural' isn't going to be there anymore. Mr. O'Loughlin noted that it has to follow the Town Ordinances and that there is a plan in front of the Board that the Board will do everything in its due diligence to make sure it follows the regulations. Mr. Novak asked if this is consistent with the Comprehensive Plan. It was noted that the land is zoned RFR-2. Mr. O'Loughlin noted that he understands the concern, but that the Town can't close the barn door after we all moved in, because otherwise nobody else would have moved into Town. Mr. Novak noted that the Town can't preserve itself the way it was, and that there has to be growth and innovation, and pondered what is optimal growth. Mr. Boyer pointed out that the Town has fifty percent of its land area preserved as open space, and noted that he thinks that the Town does a pretty good job at trying to keep it as rural as possible. He explained that development is going to happen and that we all have to accept that. Mr. Novak expressed additional concerns about the future and trends, the planning process, and changes to the community.

Ruth Crompton, 20 Henry Brown Road, asked about lot number 8 and if there will be a road coming out to Henry Brown Road. It was noted that this parcel has no frontage on Henry Brown Road.

Mr. Moghadam asked about the effect of the wells in the aquifer and referred to the Ladd Center in the Town of Exeter where the State made them do a drawdown test. Solicitor Ursillo explained that it was because it was the Ladd Center and there were lots of people concentrated there living very close together.

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Motion to close the meeting to public comment. Boyer-Bryan (5-0)

Motion for the Pine Estates subdivision to proceed as a conventional subdivision development. Boyer-Berry (5-0).

The Board had a 10 minute recess.

The Board discussed a motion for the project. Mr. Boyer noted that he spoke with Mr. Cotta about getting a letter from a traffic engineer stating whether a traffic study is needed for a 24 lot subdivision. There was discussion on a buffer around the perimeter.

Motion to approve the Master Plan for a conventional subdivision for the Pine Estates Phase 2 subdivision AP 53 Lot 5-1 with the following conditions:

1. Submit the Wetland Edge Verification as required previously
2. The applicant shall obtain a letter from a traffic engineer to write a report regarding traffic concerns if necessary. It will be provided by the Town Engineer as to what is needed for this letter.
3. Buffers 50 feet around the perimeter
4. The applicant shall go to the next TRC meeting to go over any additional items

Boyer-Bryan (5-0)

Mr. Boyer noted he will go to the TRC meeting.

Major Residential Subdivision: Pre-Application Plan

“Bella View” – AP 28, Lot 25-1

--off Stubble Brook Road: new town roads and house lots proposed

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

Mr. Boyer recused himself from this agenda item.

Attorney John Brunero approached the Board. Project Engineer Tim Behan was present. Applicants Greg, Douglas, and Bruce Soscia were present in the audience.

Mr. Brunero referred to the prior approval for the 4 lots fronting on Stubble Brook Road and noted this is the plan for the back of the property.

Mr. Brunero noted that there was a TRC meeting with Town who expressed some concerns about the road. He noted that Mr. Behan redesigned the entrances and the road and presented a revised plan to the Board on 11 x 17. He noted that there was a request to connect the road to Knight View but that is no longer the case.

Mr. Brunero noted it is a steep slope, but that the road can be in compliance with the 8% slope. He noted that there has been a lot of work to ensure that they don't design something that can't be built.

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Mr. Behan showed the difference between the original plan and the redesign. He noted it is much more favorable for the road slopes and the original awkward configuration. He noted that he has looked at the road slopes and noted that everything is at 8% or lower for the two major roads. He explained why the curves are there and noted that if they went straight from Stubble Brook road down to the end cul-de-sac there would be a 24 foot fill section at 8%. He noted that the grades are too steep if you go straight down the grades and that they had to go in and take a bend to go with the topo.

Mr. Bryan noted that in general he prefers this plan to the other one. He expressed concern that this is putting sardines in a can and that he would rather see road C eliminated.

Mr. Berry asked about the Well Head Protection line on the plan. Mr. Behan explained that it is the well for Alton Jones and that RIDEM puts a 1,750 foot radius around public wells with groundwater classification AA. He explained that if there was a commercial development going in that RIDEM would look at the water discharges very critically, but that they don't take that position for residential developments because it is all standard septic systems and wells.

Mr. O'Loughlin asked if the roads are outside the wetlands. Mr. Behan noted that they are.

Mr. Regan asked about the Wetland Edge Verification. Mr. Behan noted the application has been submitted to RIDEM.

Ms. Paquet asked if the road width has changed. Mr. Behan noted that there are no boulevards, but that the applicant would still like to install an entrance island as a gateway into the development at one of the entrances.

Mr. Cotta took a brief look at the plan and noted that the new plan has a better approach with the grades.

Mr. Regan asked if it will be phased. Mr. Brunero explained that they don't know yet.

The Board took a look at the new layout. Ms. Paquet noted that her main concern has to do with the slope of the land and the erodability of the soils and slow permeability of the substratum for the drainage. Mr. Berry noted he could see that being an issue. Mr. Behan noted it is all highly regulated stuff and that every lot will have two test holes for septic and that the drainage is highly regulated. Ms. Paquet noted the Town also requires test holes for the drainage.

Mr. Berry noted he is concerned with the density. Mr. Behan noted they are all over 2 acres and that the scale is small on the plan. Mr. Berry asked about lots 9 and 10. Mr. Behan noted there are wetlands on them. There was discussion on buffers.

The Board asked questions about the proposed locations for the drainage easements.

Mr. O'Loughlin agreed with removing road C. Mr. Brunero noted they will do a redesign.

Mr. Berry asked about the proposed name of the subdivision. Mr. Soscia noted it is his daughter's name.

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Mr. Brunero asked the Board if they want to do a site walk. The Board noted they are expecting another rendition of the plan first. Mr. Behan noted there is an existing gravel road. It was noted that there is an existing structure down in the field.

Town Administrator Breene, in the audience, reminded everyone of the Stubble Brook Road improvement fee that goes for every lot to reclaim the money that was spent to fix up the road. Mr. Brunero acknowledged that it is recorded and that it was brought up when they came in for the first 4 lots.

Mr. Boyer rejoined the Board.

PLANNING PROJECTS

Conservation Design Development

-discussion and set work session date

Mr. Boyer noted he had inquired about a moratorium after speaking with some of the Board members so that the Board could have some more discussion about the conservation design, which he thinks has a lot of flaws in it. He explained that this is what prompted the Solicitor to provide a written response, which was provided to the Board members, about why that couldn't be done. It was decided to form a sub-committee of two members to come back in a few months with some proposed revisions. Solicitor Ursillo noted that this will work because it is the Board's decision whether to allow conservation subdivisions. There was discussion about the concerns people have with one acre lots. It was decided to aim for a recommendation for the July meeting.

REPORTS AND SPECIAL ITEMS

Ms. Paquet reminded the Board about the on-going workshops for the RhodeMap RI project and noted that she forwarded the flyer about the upcoming open houses to the Board members.

COMMENTS BY BOARD MEMBERS

It was noted that there have been articles in the newspaper about S.W.A.P.

ADJOURNMENT

Motion to adjourn. Bryan-Regan (5-0). The meeting ended at 9:45 p.m.

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A regular meeting of the West Greenwich Planning Board was held on Monday, May 19, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:13 p.m.), Secretary Tim Regan, Mark Boyer, and alternate Brian Wallace. David Berry and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Town consulting engineer Dan Cotta, PE, PLS of American Engineering was also present. Chairman Ward called the meeting to order at 7:03 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

April 21, 2014 Regular Meeting

Request for Maintenance Bond Release (CA)

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

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

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

Motion to approve the consent agenda. Boyer-Regan. There was discussion. Mr. Ward noted he spoke with the Town's consulting engineer to verify that all the improvements were all set for releasing the maintenance bond. Ms. Paquet noted she has a memo confirming that. Mr. Ward noted he needs to abstain from the minutes, as did Mr. Wallace, resulting in no quorum for the minutes. **Motion** to amend the motion to remove the minutes from the consent agenda and to approve the consent agenda. Boyer-Regan. (4-0). No action was taken on the minutes.

Minor Land Development Project: Status of Completion of bonded items and the Drainage
(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 plan for off-site drainage

--Consideration for Final approval

Mr. Scott Moorehead, PE with SFM Engineering Associates approached the Board. Mr. Paul Surabian of Douglas Construction, and Mr. Hermond Ghazarian were also present.

Mr. Nicholas Gorham, Esq. was present representing Mr. and Mrs. Robinson, also present in the audience.

Mr. Moorehead explained that there has been substantial work completed on the site since the last meeting, such as putting crushed stone on the emergency access driveway, additional erosion controls, and loaming and seeding. He noted that the bottom of the basin will be cleaned out next week and restored, and they will put in a crushed stone access. Mr. Ward asked about the impervious layer found under the bottom of the basin. Mr. Moorehead noted there were some

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fine soils and that the intention is to remove the fines out of the basin until they get down to the gravelly soil. Mr. Surabian explained that they did a couple of test holes and found an impervious layer and later they dug a couple more test holes and found it wasn't as pronounced in the other areas. He noted that they did a perc test in the gravel and found a rate of around ten minutes per inch. Mr. Moorehead noted that the basin is designed on 2.4 inches per hour. Mr. Ward noted that the Board wants to see this work move forward. There was discussion about the water from Route 102 being directed into the upper basin once the site is stabilized. Mr. Boyer asked if that upper basin is designed to hold the water for Phase 3. Mr. Moorehead noted that if phase 3 goes forward, it will need additional modifications. Mr. Ward asked if the overflow could go on the other land owned by the applicant. There was discussion.

There was discussion on plans for the Robinson's land. Mr. Surabian noted there is an insurance quote to clean the basement, and waiting on a proposal to clean the yard.

Mr. O'Loughlin arrived at 7:13 p.m.

Mr. Surabian explained that the work on the pond should far exceed the need for any additional drainage on the Robinson's property.

Mr. Ward expressed concern that the original presentation indicated that there was only going to be a little trickle of water over the overflow that would not adversely impact anybody, but that now the Robinsons have been harmed, not just once, but a number of times. He stressed that the Board has to ensure that that permeability factor has to ensure their safety and that without a doubt this bypass plan won't need to be done. He noted that Mr. Moorehead's testimony is critical. Mr. Moorehead clarified that his testimony was that the flow through the Robinson's property would be less than or equal to the pre-development condition. He explained that the basin is designed with the permeability to have no flow up to a ten-year storm. He noted that anything beyond the ten-year storm would have some overflow which would go across their property, which is poorly graded and very flat which leads to the problems on their property. He noted that 'trickle' is never a word he would use. He reiterated that his testimony was, and still is, that the basin, when fully constructed and stabilized, will have less flow on the Robinson's property after the development than there was before on any storm up through the hundred year storm. Mr. Moorehead noted that if somebody wants a belt and suspenders to get the water from the northerly property line to Breakheart Hill Road and not impact any area on their lot, it is a whole separate issue. He noted that the natural flow pattern is being maintained once it is fully stabilized. The Board asked how long it will take to stabilize it with the work that has to be done. Mr. Moorehead noted that there is no reason it can't be done and stabilized this summer. Mr. Regan asked how thick the confining layer is. Mr. Moorehead noted that the layer that needs to be removed ranges from zero inches to about a foot, with the thicker part towards the berm end. There was discussion on the test holes and the confining layer.

Mr. Boyer noted that at the last meeting when Ms. Lambert was present, she indicated that they would try to contain the majority, if not all, of the drainage on site and that is what he thought the Board was going to see tonight. There was discussion. Mr. Ward asked Mr. Cotta to comment.

Mr. Cotta explained that the permeability is not going to increase the capacity of the pond. He noted that it will drain it down. He noted that the first time this happened there were back to

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back storms that turned a 10 year storm into a 25 year storm. He noted that this will ensure that it will dry out and discussed the confining layer that needs to be taken out. He noted that this will help the pond be ready between back to back storms, but that it is not going to increase the capacity of the pond substantially. Mr. Ward asked Mr. Cotta if he feels that the capacity needs to be increased. Mr. Cotta responded that when we get the larger storms, similar to the 5-inch storm which is supposed to go out about 2 inches through the notch, this is about what it is supposed to do. He noted that from what he can tell the pond wasn't full prior to that storm and that this is pretty much what you are going to see. Mr. O'Loughlin asked if he meant the 5-inch storm we had last month. Mr. Cotta replied yes, and noted this was the second flooding. He noted that the pre-development calculations show this is what it will be and noted it is based on TR-55. He questioned if this is unacceptable and that he doesn't think this is going to fix that. There was discussion. Mr. O'Loughlin questioned that the design doesn't increase the flow greater than what is was before the work was done. He noted that if that is the case, he doesn't agree with that statement. He noted that he doesn't think that the Robinsons had anything similar to what has happened in the last six months during the huge March 2010 storms. He noted that this leads him to believe that the design doesn't put that property where it was before any of this work was done.

Mr. Regan spoke to Mr. Cotta and noted that the Town doesn't want to pipe this problem further down the Town road and asked what other options there are, if this pond is going to spit out 2 inches of water, to help the Robinsons. Mr. Cotta responded that he doesn't see it to be practical to contain the 100-year storm, because it would be large. He noted that if you put in two more ponds, it will lessen the amount of water. He noted that the numbers are based on TR-55 and pointed out that he didn't see anything flawed in the analysis. He noted that he doesn't know if there was anything unique to this site, such as micro ponding that didn't show up in the topography. He noted that he cannot believe that there was no water coming off this site and noted that the abutting property is in a valley and is the only point that the water could have left that site, granted it is now coming through a weir rather than through the woods. He noted that he doesn't think they can put enough ponds in to get it to zero.

Mr. Ward asked Mr. Cotta if when they start accepting the drainage from Route 102 and remove the sandbags that the situation will be adequate to stop any flooding of the Robinsons. Mr. Cotta discussed the second pond and noted that if we get another 5-inches of rain, which is a little over the 10-year storm, you are still going to see water go over the spillway.

Mr. Regan asked if there are any opportunities on the other property owned by the applicant. Mr. Moorehead stated that he is going to stick with his testimony that there is less runoff. He noted that as far as putting in any additional ponds, it would be up to the property owner. He noted that what you have been seeing with these storms is not indicative of what should be coming off the site because it is not stabilized, there is no grass growing, the basin was not infiltrating, and that once this is done you are going to see an entirely different condition of what happens out there when it rains. Mr. Ward asked Mr. Moorehead if he is confident that that situation will work up until the 100 year storm. Mr. Moorehead noted that the testimony is that there should be no discharge from the basin up to the 10 year storm, and that the 25 year and 100 year storms, the discharge from this basin is less than the pre-development condition. He noted that he cannot testify as to what problems the Robinsons had on this property before or not. He noted that he never saw it but that he does know that there have been changes made on the

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property of an additional area cleared and a septic system put in a few years ago. He noted that he doesn't know if the grading on that lot has changed.

Mr. Ward noted he doesn't think the Robinsons ever incurred the amount of flooding that they have had in the past two times that they've been flooded. He noted that the Board needs to take into consideration their household to ensure that this development does not adversely impact them or flood them out on any subsequent storms. He noted that this needs to be addressed.

Mr. Boyer asked if there is any bearing that they have taken what came off the property pre-development and that they are restricting the outfall to a much smaller area. He discussed that there is about 375 feet leg of land there, and that roughly 325 feet of it is now berm and so the majority of it is coming out at the weir instead of being spread out over that entire 375 feet. It was noted that the level spreader is 100 feet long. Mr. Boyer asked if the point of concentration has anything to do with it. Mr. Moorehead noted it doesn't and pointed out the lowest area of the lot and showed where beyond a point the water would tend to concentrate down into the middle of the Robinson's lot. He explained that whether there was a 100 foot long level spreader or a 300 foot long level spreader, the same amount of water is still going to go to the low spot on the Robinson's property. He noted that it is not going to change the rate or the amount or where it ends up.

Mr. Boyer asked how old the Robinson's house is. It was noted that it was from 1966. Mr. Boyer expressed that the house wouldn't be standing today if that water had the velocity and the depth that it did. He noted that it would have rotted away years ago and that something has changed. He noted that we can tell from the topography on the plan whether or not the grading has changed considerably if they put a new septic system in or how much they've cleared. He expressed that something is definitely different and asked why they are getting flooded out.

Mr. Moorehead reiterated that the flooding that we saw from the two back-to-back storms is not indicative of what should have been coming off of this site if the drainage had been complete, fully stabilized, and fully operational. He noted that if we had the same two storms, you are not going to see the same amount of flow.

Mr. Boyer noted that the applicant has a potentially an enormous roof with the Phase 3, and expressed concern of how that is going to be contained on site with the problems that they are having now. Mr. Moorehead noted that the intention is that if Phase 3 ever goes forward, a separate drainage will be put in.

Mr. Regan asked about the future plans for the residential property next door owned by the applicant, and asked if it is space available for dealing with potential stormwater issues. There was discussion.

Mr. Surabian discussed the option to pipe the water through the Robinson's land. Mr. Regan noted that he doesn't think the Town wants that option because it pushes it down the road. There was discussion.

There was additional discussion about the concerns of the Board with the previous testimony on the as-built plan. Mr. Moorehead noted that his testimony was that there was a problem with

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infiltration and now we've found out that there is not only sediment on the top, but that there is also unsuitable material underneath. He noted he did not inspect every day and that he can't testify to everything that is under the ground.

There was discussion on having the engineer be hired to oversee the excavation of the unsuitable material. It was noted that the Board is requiring that the engineers inspect the excavation of the unsuitable materials, to the level of oversight so that Mr. Moorehead can stamp the as-built plan to say that it was built according to the design.

Mr. Gorham, attorney for the Robinsons, stated that most of the work before the Board tonight have addressed a lot of the concerns that the Robinsons have. He noted that the questions were really good and thanked the Board for staying on this project. He noted that we are all going to have to work together to solve this. He noted that they are open to proposals. He noted he needed to correct a few things. He noted they got the plans for the swale and the pipe on Friday and asked if that is still a mandate or not, because the representation was made that everything is going to be fine once they pull out the layer of sediment, but that they just don't know that. He noted it also asks for the Robinsons to give up some of their actual property rights to allow this encroachment on their property. Mr. Ward noted that the Board can't mandate it and that everything would have to be worked out between the parties.

Mr. Gorham noted he doesn't think there should be anything going forward on phase 3 until they finish phase 2 correctly. He noted that the Robinsons would really like for someone to explore the issue of whether the whole thing can be pushed over so that it doesn't dump on their property. He noted that the testimony he heard from the Town's engineer is that another 5 inch storm you are going to still see water going over this spillway. Mr. Cotta noted that the 25 year storm, which is around 5.8 inches, is designed to flow out. Mr. Gorham clarified that this is assuming the sedimentation issue is, in fact, the root cause of this. Mr. Cotta added that it was also that the site had not been stabilized at the time and there was a breakthrough. He noted it always seems to be a comedy of errors. He noted that his point was that it is not going to store all the water, and that water will still come out on the larger storms.

It was noted that phase 3 won't be considered until phase 2 is shown to work.

Mr. Gorham noted he is willing to work with the developer. Mr. Ward noted that discussion needs to be outside of this forum. Mr. Ward noted that the Board is trying to resolve this on a permanent manner.

Mr. Gorham discussed the insurance company and noted there is a quote on the clean-up but that it is not definitive. He noted he thinks this is germane to the Board's consideration. He thanked the Board for the work they've done. Mr. Ward noted there have been discussions and that the property owner wants to do the right thing.

Mr. Ward asked the Board if it should be investigated to move the outflow to a more suitable location from an engineering standpoint. Mr. Regan noted that is why he asked about the other property. There was discussion. It was noted that the Board is looking to divert some of the easterly flow to the other property and asked Mr. Moorehead if this could be evaluated. Mr. Ward asked Mr. Ghazarian to state whether or not he will allow Mr. Moorehead to investigate

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relocating the drainage uphill or splitting it off. Mr. Ghazarian noted he needs to have a conversation with his experts. He noted he is willing to consider it. Mr. Ward noted to have the answer to the Town Planner within a week or so. Mr. Ghazarian noted there is another issue and asked if this would be diverting the water to the other side to the next door neighbor where the water was never going there. The Board took a look at the plan and noted that is a discussion he needs to have with his engineer.

Mr. Ward recapped that Mr. Ghazarian needs to have a conference with his people and get back to the Town on what can be achieved up there to mitigate the circumstances for the Robinsons.

Mr. Surabian asked that since both Mr. Cotta and Mr. Moorehead have stated that retaining the 100 year storm is virtually not feasible due to the massive amount of volume, and asked that if they are to explore a pond on that property, what storm level would be acceptable to the Board to retain, and after which a flow would then go out across the Robinsons' property. Mr. Boyer noted that is something that the engineer is going to have to tell us, and give us a level of comfort of what they are going to do, instead of the Board dictating what they will do. Mr. Surabian noted it sounds to him based on the conversations here that the Board is asking to guarantee that no water will flow across the Robinsons property, but that he is hearing from both engineers that it is physically not possible. Mr. O'Loughlin noted it is a flow that has to be what it was prior to the site development. Mr. Surabian noted that they are both testifying that, right now, if we do the improvements to the bottom of the pond, that we will achieve that now without exploring any additional ponds. He noted he is willing to explore additional ponds, but that he is asking for example, if they achieve the 50 year level, will that be acceptable to the Board, or will it be the 25 year, or 7 inches. He asked what we are trying to achieve. Mr. Ward noted they need to get into discussion with the Robinsons and make sure that even at 100 year storm where all the drainage is being sent in a point source discharge to their property that there is going to be a situation that is not going to harm them. There was discussion about the attorneys getting in touch with each other. It was noted that this is not going to get resolved tonight and that the conversation needs to be had outside the meeting.

Mr. Boyer asked Mr. Surabian when he built the pond with the soil stratas why the impervious layer is still there. Mr. Surabian responded that the bottom was excavated and before the sand was put back it was inspected. Mr. Boyer asked if it was correct that the soil strata said that the layer was there, but it wasn't removed. Mr. Surabian noted that was correct. There was discussion.

Mr. Ward entertained extending the temporary certificate of occupancy to a certain date, noting that Mr. Ghazarian has made efforts to accommodate. The Board held discussion, noting that they want to see it through another rain storm.

Motion to extend the temporary Certificate of Occupancy for 90 days. Boyer-O'Loughlin (5-0)

It was noted that the Board will be looking for them to dig out the bottom and notify the engineer for an inspection ahead of time at least 24 hours ahead of time and to notify the Town Planner and Mr. Gorham as well as a courtesy. Mr. Gorham noted he wouldn't know what he's looking at, but that he appreciates the notice.

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Minor Development Plan: Construction status, cont.;

Deadline to complete was extended to the May 2014 meeting

“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 with TJB Engineering approached the Board for the applicant.

Mr. Behan noted that he spoke with Mr. Roch and that the construction company that has been retained to perform the work has not mobilized yet. He noted that all the light fixtures have been directed downward and that some of the landscaping was installed last Fall. Mr. Ward noted that if the construction company cannot meet the deadline, then he should think about hiring someone else. The Board discussed a deadline. It was noted that the business is operating. It was noted that another extension will probably not be granted if the work is not completed within 90 days.

Motion to extend the construction completion out 90 days. Boyer-O’Loughlin (5-0).

Minor Land Development Project: Preliminary Plan

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

(has received Special Use Permit from Zoning Board)

--at 136 Mishnock Road; Zoned RFR-1

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

Mr. Boyer recused himself from this agenda item.

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

Mr. Behan explained the revised site plan. He showed the proposed access point and noted that the existing access will remain. He noted that there will be a loop configuration and a fire truck turn around. He noted that the space between the two existing structures doesn’t meet the fire code and it is less than 20 feet wide. He noted there is an on-site septic system which will not be altered and there is a lawn landscape area around it. He noted that they will build an addition behind the existing building. He noted there is one other 24 foot by 36 foot structure located behind the other two side buildings. He explained that the drainage consists of subsurface drywells as the primary source of mitigation and pointed out the locations. He noted that the site is serviced with public water and there is a fire hydrant across the street that met the flow test for the Fire Marshall’s requirements. He noted that there is a transformer going in the back and there will be another utility pole and that the existing electric service will be replaced with the transformer.

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Mr. Behan noted that one of the issues with the site during the Zoning Board meeting was the landscaping, because a lot of trees were taken down. He noted that Mr. McLellan has installed a row of evergreen shrubbery trees along the eastern property line and that a Landscape Architect has been obtained to come up with a new landscaping plan to supplement a gap between the existing vegetation and the more recently planted ones with more evergreen shrubs. He noted there is a row of white pines along the entire rear property line and some miscellaneous plantings along the front of the building and the site, and a linden tree in the front as well as some small plantings around a small sign.

Mr. O'Loughlin asked if they plan to extend the overhead down the property line and then go underground with the utility. Mr. Behan confirmed where there is a telephone pole that has already been installed and showed where the transformer will be.

Mr. Behan noted that a comment at the TRC meeting was to move the location of the trash container to the other side of the driveway so that the garbage truck can get in there a little easier.

Mr. Ward noted that there were a number of conditions put on the last approval and asked if there are any objections to having those conditions remaining in effect. Ms. Paquet noted that a lot of those conditions had to do with phasing of the buildings which may no longer apply with this plan. Mr. Ward noted he recalls something with the scrap metal and the hours of operation and storage. There was discussion on the conditions of the Zoning Board's approval of a 24 month construction completion time period.

Mr. McLellan noted that for the vegetation when he changed from the large metal building to the remodeling the existing building he noted that the phasing needs to be the small building on the side, then the addition in the back. He explained that all the equipment needs to be moved in to the back addition and be up and running and then they can remove the roof and extend the roofline and square off the front of the building and then remodel the whole front of the building. He explained that they are going to redo the floor so it is all the same grade so that when it is all done it will be one building.

The Board expressed concern about the scrap metal. Mr. McLellan explained that the third building in the back is for utility maintenance and noted that the scrap metal is now contained in bins in the metal car port which is not weatherproof, and noted that they will be moved into that building for the time being so that there will be no outside storage when it is all done.

The Board noted that they have received the supplemental package with the landscape plan. Mr. Behan noted that the UIC permits have not been submitted yet but they will be submitted with a septic permit as well.

Mr. Cotta noted that he had reviewed the project but did not have a chance to get a letter to the Board. He noted that he has no issues with this and noted that a lot of the things are the same as the last scenario such as the site distance. He noted that he reviewed the drainage and that he had made a recommendation to turn the trash cans. He noted that his main concern is the 20 foot access around the building and asked whether it is one way or two way, and he also suggested putting balusters to protect the building around the corners to prevent a vehicle from hitting the building around the corner, and along the loading area which way the doors open if someone is

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driving by. Mr. McLellan noted that the doors are overhead doors and that he will be happy to put up protection points. It was noted to have the engineers work things out together.

The Board discussed the proposed motion and a temporary CO

Motion to approve the preliminary plan entitled, "McLellan Page, Inc.," for the property located at AP 4, Lot 21, prepared by TJB Engineering, LLC, prepared for Wayne & Dianne McLellan, and dated November 2013, revised through April 18, 2014. This approval is granted with the following conditions:

1. Address comments from consulting engineer. (see letter from American Engineering dated May 19, 2014)
2. Submit Landscaping Plan for review and approval by the Planning Board prior to issuance of a building permit. It was noted that this has been submitted.
3. Final review and approval shall be by the Planning Board and shall include a confirmation letter from the project engineer stating that the site layout, parking, and pertinent details of the drainage infrastructure, landscaping, and grading have been constructed in accordance with the design and will function as intended.
4. A Temporary Certificate of Occupancy shall be tied to the completion of the site improvements and the final Certificate of Occupancy for the building shall not be granted until all site improvements have been completed.
5. A Stormwater Maintenance Agreement is required for the drainage systems.
6. Any exterior lighting shall be full cutoff fixtures.
7. All of the previous conditions of approval from the 2012 Preliminary Decision are included in this decision, excluding the phasing requirements.

This motion is based on the findings of fact 1 through 6 in the memo. O'Loughlin-Regan (4-0)

The Board took a 5 minute recess and reconvened at 8:35 p.m.

Mr. Boyer rejoined the Board.

Major Residential Land Development Project: Master Plan Refresher/ Update

"Cedar Ridge" AP 1, Lot 10-3

--off New London Turnpike; Zoned Senior Residential District

Applicant/Owner: Cedar Ridge West Greenwich, LLC (Michael Kent)

Attorney Tom Crodin approached the Board for the applicant, filling in for Attorney John Brunero. Applicant Mr. Michael Kent was also present in the audience.

Mr. Crodin noted that he is here to bring the Board up to speed on the project that received Master Plan approval in 2008 and noted it is in effect due to the tolling provision of the RI State Legislature. He noted that it is a senior development that is age-restricted and contains about 130 units. He noted the location and that it will have Kent County Water and public sewer and there will be 13% affordable housing. He noted that there are vegetated barriers along Division Road and that there will be an assortment of singles, doubles, and triple unit structures with varying architecture.

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Mr. Crodin noted that they are just getting the process started again and noted that there are some things pending, such as the Kent County Water Authority application and the sewer. Mr. Crodin noted that they are going to do some drilling under Route 95 to connect the sewer to the other side.

Mr. Eric Prive, PE with DiPrete Engineering approached the Board. Mr. Prive noted that the last time the project was here was in 2008 and noted this is a refresher for the Board. He described the parcel as 29 acres located off Exit 7 with 136 feet of frontage on New London Turnpike and about 900 feet of frontage on Division Street.

Mr. Prive described the utility and topography features of the site and the area. He noted that the proposal is a 127-unit senior residential community with 3,500 linear feet of road that has a boulevard road at the entrance and a loop within the site. He explained that there is a gravel secondary emergency access only with a gate to Division Street. He noted that it is a 24 foot wide paved private road with a 22 foot wide travel way with a one-foot Cape Cod berm. He noted it is serviced by public water and that there is a 16 inch main. He noted that they have done the water model and flow test and that there is adequate pressure in the area. He noted that they do not have Kent County Water Authority approval yet. He noted that it allows for 2,000 gallons per minute as required by the Fire Chief. Mr. Prive noted that there will be private sewer service inside the development. He noted it will be a gravity system from the units to a centralized pump station near the entrance and then it will go to a sewer force main. He noted there will be directional drilling under Route I-95 for the sewer because the bridge was not designed to hold the weight. He noted that they have already gone to the Town Council for the sewer allocation of 38,100 gallons per day, and that they are in the process of working with RIDOT for the routing to the tie in.

Mr. Prive noted they are in the process of doing all the grading and design and already have a RIPDES Permit and Underground Injection. He noted that the storm water has been designed to hold the pre-development levels so there will be no increase in runoff. He noted it is for underground injection and that the soils are sandy and well receiving soils that are perfect for infiltration and recharge. He noted that a majority of the units will have dry wells directly to them.

Mr. Ward clarified that it is age-restricted and that there will be no school age children inside. Mr. Cronin explained that it is zoned for an over 55 community.

Mr. Boyer asked if the sewer line is going to touch the Hammersmith property like shown on the plan. Mr. Cronin clarified that it will not be on that property.

Mr. Ward asked if the sewer system will be the responsibility of the West Warwick Sewer Authority or if it is going to be a private sewer entity. Mr. Prive noted that they are still working on that, but that RIDOT may want it to be a public system. Mr. Ward asked if West Warwick will take over the system. He noted that if the force main is going to be public the Board will want to see some measures as to how the residents are going to be protected from the private entity operating it.

Mr. Ward asked if this is the same plan as the Master Plan. Mr. Prive noted it is the same plan.

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Mr. Boyer asked about the timeframe. Mr. Prive noted that RIDOT is the critical item to find out on the sewer. He noted that the grading, drainage, and stormwater have all been done.

The Board noted that for the Preliminary Plan they want a definitive on the sewer whether it is public or private and to have all that worked out.

The Board noted that the buffer was important and the access to the tower site.

Mr. Prive asked if some earthwork can be done give that they have the RIPDES permit as long as the erosion controls are in. He noted they would like to bring down some of the grades and noted that there are some cuts and fills. Mr. Kent noted that the prior owner has already cut the roads in to sub-grade, and wanted the Board to know because this is something they won't be doing but don't want people thinking they did something they weren't supposed to do. Mr. Ward noted he will meet with them out there and go over how far they can go.

Mr. Cotta left the meeting at 8:55 p.m.

Community Development Block Grant Program (CDBG) : 2014 Grant Round
-- Provide Advisory Opinion to Town Council on proposals

It was noted that some of the applicants were present.

Mr. Gerry Bertrand with the Washington County CDC explained that they do affordable housing in Washington County and in West Greenwich and East Greenwich. He noted that they are asking for operating funds in the amount of \$10,000. Ms. Paquet noted that Washington County CDC takes care of the Fair Housing compliance requirements for the Town. Mr. Bertrand discussed the two Fair Housing Forums they are hosting. He noted that they have been working on a property in Town for some affordable housing and that they are putting together a proposal for a housing tax credit program, but that this property won't be included in it because it does not need a lot of renovation.

Ms. Jeri Manning with Cornerstone Adult Services explained her program of adult day care. She noted that they serve 10 West Greenwich residents right now and that about 70% to 80% of those adults are low to moderate income. The Board members noted that \$5,000 doesn't sound like a lot of money.

Ms. Chris Hannifan with the Community Housing Land Trust thanked the Board for supporting them in the past and noted that they provide standardized documents and a resource guide to the communities listing all the services in Rhode Island. She noted that they have worked with Washington County CDC and with Geoff Marchant of the Community Development Consortium to find suitable properties for affordable housing.

The Board held discussion. The Board ranked the order of the priority and increased the amount for Cornerstone to \$10,000, with the applicant's amended application. The Board noted the effort of the groups to come to the meeting.

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Motion to make a finding that the following proposed projects in the 2014 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. Cornerstone Adult Services | \$10,000 |
| 2. Washington County CDC | \$10,000 |
| 3. Community Housing Land Trust | \$ 3,000 |
| 4. WARM Job Readiness | \$ 9,000 |
| 5. WARM Shelter Support | \$ 1,000 |
| 6. Welcome House | \$ 7,000 |
| 7. South County Comm. Action | \$10,000 |
| 8. Education Exchange | \$ 1,500 |
| 9. Housing Rehabilitation | (no funds requested) |
- O'Loughlin-Boyer (5-0)

Set Date for Site Visit for Pine Estates Minor Subdivision Phase 1
-off Hopkins Hill road AP 53, Lot 5-1

A site visit was set for Monday, June 2, 2014 at 5:30 p.m. on site.

ADJOURNMENT

Motion to adjourn. Boyer-O'Loughlin. The meeting ended at 9:25 p.m.

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June 16, 2014

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, June 16, 2014. Present were: Chairman Brad Ward, Secretary Tim Regan, Mark Boyer, David Berry, and alternate Bill Bryan. Vice Chairman Tom O'Loughlin and alternate Brian Wallace were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Andrew Teitz were present. Town consulting engineer Dan Cotta, PE, PLS of American Engineering was also present. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

April 21, 2014 Regular Meeting

May 19, 2014 Regular Meeting

Motion to table the consent agenda to next month. Boyer-Berry (5-0)

OLD BUSINESS

Minor Land Development Project: Amendment to Preliminary Plan

(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. (Hermond Ghazarian, President)

--Construction update on resolving drainage and previous erosion; and revised plan for drainage

Mr. Scott Moorehead, PE approached the Board. Mr. Paul Surabian and Mr. Hermond Ghazarian were present.

It was noted that the Board has received revised plans. Mr. Moorehead noted that last month the Board wanted them to see if they could do something to retain more water on site. He noted that the plan was to dig out the bottom of the existing basin for the unsuitable material and noted that that has been done and replaced with well drained gravel. He noted that the rainstorm we had last week produced about 6 inches of water in the basin and that the next day it had drained. He noted that the restoration work has been done and that it is being hydro seeded now.

Mr. Moorehead explained that they have also plugged the lower notch in the outlet weir, and that the only outlet is the wide upper weir. He noted that they have also added an additional basin on the 2-acre lot and they put an overflow manhole in the basin. He explained that it is designed so that up to the 25-year storm will be retained in the original basin, and that storms beyond the 25-year storm are designed to overflow to the overflow basin, and the total of the two basins is designed to retain the 100-year storm with infiltration and no overflow towards the Robinson's property. He noted that it should address all the Board's concerns, but that the proof is in the pudding of seeing it work. He pointed out that this basin worked well without even any vegetation established on it, and that both basins are being hydro seeded and established to grow quickly.

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Mr. Moorehead noted that the upper basin has also been regraded and that it will be seeded. He noted that they moved the rock pile and the upper area has been regraded to ensure that the water running from the northerly part of the site will drain to the upper basin. He noted that the work has been done at this point based on what they proposed to do, aside from the grass growing.

Mr. Berry asked about the upper basin and if it was done, working and functional, or if there are going to be additional modifications to it. Mr. Moorehead responded that it is working fine except that they are planting grass on it to stabilize it. He noted that it picks up water from the northern part of the building, the flow from Route 102, and pointed to the other areas it collects from. He noted that once this fills up, it will overflow to the other basin. He noted that this is all predicated on the conditions as they exist, and that if the phase 3 building were to be proposed in the future, they would come back with drainage modifications to handle the phase 3 drainage on the upper parts of the site.

Mr. Ward noted that he has read the memo from Mr. Cotta and asked Mr. Cotta if he has reviewed the data from Mr. Moorehead and if he concurs with his findings. Mr. Cotta agreed that there should be no flow coming out of this pond. He noted that he did watch it on Friday during the rain and that he happened to be going by again on Saturday. He noted that there was about six inches of water from Friday about 3 o'clock and that by Saturday around one o'clock it was gone. He noted that the perc rate was one of the problems they had before and that now it is percing well.

Chairman Ward asked Mr. Gorham, attorney for the Robinsons, also in the audience, if he had any questions at this time. Mr. Gorham noted he had no questions.

Mr. Ward noted that he is satisfied with the improvements that have been made, and based upon Mr. Cotta's evaluation also. He noted that the Board does appreciate the efforts that have been made to hopefully alleviate this situation for all times in the future.

Mr. Ward asked if anybody in the audience had any questions on this matter. Mrs. Robinson noted she had none at this moment.

Mr. Ward noted a plan has been submitted and asked if it has been verified that it has been built according to the plan. Mr. Moorehead noted that they will check the dimensions of the basins to the plan, and that he will get an as-built plan to the Town Planner.

Motion to approve the amendments to the Preliminary Plan for the stormwater revisions, based on Mr. Cotta's report to the Board and the testimony made this evening. Boyer-Berry. All in favor (5-0).

Mr. Moorehead noted that they have a temporary approval for another two months and asked if they could come in with final assuming everything is working good. Mr. Ward noted as long as the as-builts are submitted.

Mr. Gorham thanked the Board for its efforts, as did Mr. Ghazarian and Mr. Surabian.

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Major Residential Subdivision: Final Review for As-Built Plan

“Stonebridge Estates, Phase 2”– AP 33, Lot 1-13

--new road off Plain Meeting House Road;

-set performance and maintenance bond amounts; consider Final approval

Applicant/Owner: Country View Holdings, LLC (Armand Cortelleso, Manager)

Attorney Jack McGreen approached the Board for the applicant. Mr. Cortelleso and Mr. Kirk Andrews, PLS, were present in the audience.

Mr. McGreen noted he just received the memo with comments concerning the issues. Mr. Ward noted the Board did also, and noted that it would be best for the applicant’s engineer to meet with the Town’s consulting engineer, and that the Board will set a site visit to meet out there to go over the issues and verify what is going on before they set the bond. Mr. McGreen expressed concern of timing and another month for this project, and noted that he submitted the application a month ago. Mr. Ward noted that the Board’s job is to make sure that the infrastructure improvements go through according to the plan and noted that the Board has been made aware that there is a discrepancy. Mr. McGreen asked for a special meeting to accommodate his client. Mr. Ward noted that the Board has to schedule a meeting for everyone to go out there. He noted that the engineers need to get together to discuss the discrepancies, and then after that is done the Board will set a meeting to go out on a site visit. He noted that for this all to be done and to schedule a special meeting is not possible. Mr. McGreen conferred with his client. Mr. McGreen asked if there has to be another meeting and noted that this is already approved and that this is just a punchlist. Mr. Ward noted that the Board has to vote on it. Ms. Paquet noted that it has Preliminary plan approval, and that it still needs Final approval and review of the as-builts. She noted that she just received the application fee last week.

Mr. Regan asked Mr. Cotta if his memo is considered a punchlist. Mr. Cotta noted that they are things that should have been done. Mr. Regan asked if they are major things. Mr. Cotta noted that they are significant things that the plan should not have come forward without them having been done.

Mr. McGreen asked about the compaction comment and noted that the Town gave the approval to move forward on the road and asked how the binder could get put down without a compaction test. He noted that he doesn’t understand that. Mr. Cotta noted that he doesn’t know who gave them approval. Mr. Cortelleso noted that it was Public Works. Mr. McGreen asked how the Board could be asking for a compaction test at this point in time when the binder is down. Mr. Regan and Mr. Ward asked if they have the written approval from the Public Works Director. Mr. Cortelleso noted that there isn’t and that he never gave him an approval on anything.

Mr. Ward noted that they’ll have to get in touch with Public Works and that these are all issues that need to be done. He noted that the Board is not going to sit here and approve a final plan or take retainage on something they don’t even have a value for on what needs to be done. He noted that the fees were just submitted and Mr. Cotta went out there and got the report in. He noted that the Board is going to have to set it where the applicant’s engineer contacts Mr. Cotta and the Board will set up a site visit and the Board will go forward from there. A site visit was set for Monday, June 30 at 5:30 p.m. **Motion** to continue to next meeting. Boyer-Berry (5-0).

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Major Residential Subdivision:

Amendment to Master Plan and Preliminary Plan Public Hearing

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

--on Stubble Brook Road: frontage lots proposed (potential for further internal subdivision)
-amendment to Master Plan is due to changing location of the lots in relation to access to back land

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

Mark Boyer recused himself from this agenda item.

Attorney John Brunero approached the Board representing the applicant. Timothy Behan, PE of TJB Engineering was present along with Gregory, Douglas, and Bruce Soscia.

Mr. Brunero noted that there was a Master Plan approval for a four lot subdivision and explained that it is a major subdivision because there were several lots cut out previously by Mr. Koszela. Mr. Brunero noted that there was an opening left in the middle for a possible roadway to the back land which was approved by the Board. Referring to a recent TRC meeting for the Bella View subdivision, Mr. Brunero explained that during the TRC it was suggested to come up with a better road design due to the slope of the property. He noted that they are looking to take the entryway and move it to the furthest right and noted that this is the only change. He explained that they are shifting over the lots to the southeasterly side and putting the new proposed road to the northwesterly side of the property.

Mr. Behan, registered professional engineer with TJB Engineering, approached the Board. Mr. Behan showed the plan and pointed to the proposed four house sites. He pointed to the remaining piece that is connected to the large piece in the back which would be the phase 2 development called Bella View Estates and noted it is roughly 200 feet in width. He noted that there are two drainage easements proposed and pointed to the existing double culverts that go under the Town road and explained that they will direct that stormwater along the property line of lot 1 and into a grassed swale and for the other existing culvert the drainage will be directed between lots 2 and 3 and they will incorporate that drainage when Bella View gets developed at a later date.

Mr. Behan noted that all the lots meet Town standards and stated that there are no wetlands or flood zones. He explained that each house site has a private well, a septic system, and at the rear of each property each lot has an oversized rain garden to detain the 100 year storm and also to treat the water quality volume. He noted that the topography generally slopes from Stubble Brook down into the site and is very consistent and so the runoff from the site will be captured in the rain gardens. He noted that there is a soil erosion control plan and some standard details.

Mr. Cotta noted that he had a chance to review the plan and explained that they are proposing to retain the difference for the 100 year storm. He noted he wanted to make sure the two culverts from the Town road were coming and noted that it does slope away from the road so there will be less of an impact. He noted that the site distances from the report appear to be adequate for

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the actual speed. Mr. Behan noted that it should be reaffirmed during the development process just in case they want to alter the location of the driveways.

Mr. Bryan asked if the abutters have been notified about the proposed change. Ms. Paquet noted that they have and that it has been advertised as an amendment to the previously approved Master Plan and also as the Preliminary Plan Public Hearing.

Motion to approve the amendment to the Master Plan. Berry-Regan (4-0)

There was discussion on a motion for the Preliminary Plan. Ms. Paquet advised to include the conditions from the Master Plan approval into the Preliminary Plan decision. She reiterated the comments from Mr. Cotta's memo that the RIPDES permit and the four septic system permits are still pending. She asked about how the drainage swale that flanks two of the properties will get constructed, and if the detail shown on this plan will become the site plans for the individual lots. Mr. Behan noted that it could be and that typically a different house shape is selected and they may have slightly different driveway configurations. He noted that in his opinion, if the driveway location changes, just reaffirm that they have the site distance. Ms. Paquet asked about the locations of the rain gardens and if they will stay where they've been designed for. Mr. Behan responded that there is a certain volume that is a basic volume and that as long as that general size and shape are designed in the future it will retain the 100 year storm. Ms. Paquet suggested that when the houses apply for the Certificates of Occupancy that there is some sort of confirmation that they will still function as intended and designed as shown on the Preliminary Plan if individual site plans are not done for the Building Permits.

Mr. Ward entertained a motion to approve the Preliminary Plan with conditions that include the Master Plan conditions of approval, and condition that the individual lots must maintain the drainage as shown on the plan before a CO is issued. Ms. Paquet clarified that she had a concern about the swale that flanks the two different properties and how the construction is facilitated for the swale if the lots are sold off. Mr. Behan noted that it can be constructed before any houses are constructed and that it could be done immediately upon approval of before the first house is built. The Board noted that there has to be a stipulation that the grassed swales be built before any house building. Mr. Brunero asked if it could be before the CO, because he could see an excavator coming in to do this work at the same time. Mr. Ward noted it would be to hold the first CO until all drainage improvements are completed on those two lots. Mr. Bryan clarified that the swale has to be completed in total, and not one lot with half a swale. Mr. Brunero noted that he considers it as one drainage for both lot 2 and 3 and that they are not going to do half on one. Mr. Berry asked about the swale on the westerly side. Mr. Behan noted it is all located on lot 1 and so it would be the same before the CO on lot 1.

Mr. Ward asked if they agree to honor the conditions that were imposed on the Master Plan and if they agree with the conditions that the CO's cannot be issued until the drainage is addressed on each lot, and that for the lots in the middle, the entire drainage swale between them both has to be done before a CO is issued on either lot.

Motion to approve the Preliminary Plan with the conditions that the Master Plan conditions of approval are included, and that all drainage issues on the lots shall be addressed prior to the issuance of a CO, and that where the drainage swale overlaps the two lots, that the drainage

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swale shall be completed before a CO is issued on either lot, and that Final review may be handled administratively. Motion by Berry, seconded by Regan. Mr. Bryan called for discussion and clarification. Mr. Bryan asked about the survey that indicates there are some encroachments with Lot 25, and asked if this has been resolved with the current land owner. Mr. Behan noted that he believes the encroachment was with an old well and that he believes it is an inactive one. He noted that there are two wells for the property and that the well that is actually active is the one that is situated on their property. Mr. Bryan noted that it looks like there may be a fence that might be extending over there, too. Mr. Brunero noted that there may be an encroachment but that the amount of frontage that they have there is enough to work that out with the neighbor and noted that they can work that out with the Bookbinder's. Motion on the table. There was no further discussion. All in favor (4-0).

Mr. Boyer rejoined the Board. Mr. Cotta left the meeting at 7:29 p.m.

Major Land Development Project: Master Plan Public Informational Meeting And Advisory Opinion to Town Council for Abandonment of Breakheart Hill Road as shown on proposed Master Plan Sheet 7 of 7 (see below agenda item)

"Travel Centers of America" TA Truck Stop

Assessor's Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18

--at 849 Victory Highway; Zoning: Highway Business

--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road

Owners/Applicant: TA Operating, LLC (Thomas M. O'Brien, President)

Attorney John A. Pagliarini, Jr. approached the Board. Mr. Peter Alviti, Jr., PE with Hudson Place Associates was present, along with Mr. Walter Fouche, Construction Manager for TA.

Mr. Paul Bannon of BETA Group, Inc., hired by the Town to conduct a traffic study of the area was also present in the audience.

Mr. Pagliarini explained that on Wednesday evening he attended the Town Council meeting for a Resolution on the realignment of Breakheart Hill Road and noted that the Board has on the agenda tonight for an advisory opinion to commence the process for that abandonment, as a separate act from the Master Plan review.

Mr. Pagliarini explained that there is a paper street on the other side of Route 102 that the new alignment makes a nice intersection with. He noted that this is the best that they can do with realigning Breakheart Hill Road. He noted that the process is to abandon the road as it exists today from a certain point to Route 102. He noted that they will put additional parking for the restaurant, store, and gas pumps in the area where the road is currently. He noted that there would not be an entrance from Breakheart Hill Road to the property, but that there might be a desire to have one for the benefit of the residents on Breakheart. He noted that if the Town wants an opening they will do it. He discussed the land swap and the cost of moving the road. He noted that they are prepared to begin this and that their corporate bids are ready, but that they

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need the land. He noted that moving Breakheart Hill Road is a benefit to everyone and discussed separating the Physical Alteration Permit process for the moving of the road and for the curb cuts for the rest of the Master Plan. He noted that he represented to the neighbors at the Town Council meeting that Thanksgiving is their deadline because the asphalt plants shut down for the winter and they don't want to miss the paving season. He noted that this will help with a lot of the concerns of conflict between passenger vehicles and the 18-wheelers that the neighbors have had for years.

Mr. Pagliarini then discussed restriping of Route 102 to have a third travel lane for a dedicated turning lane. He noted that this would immediately give a stacking of one or two 18-wheelers sitting in that turning lane if there was a back-up at the pumps. He noted that it should also help alleviate the temporary pause for cars getting stuck behind trucks on Route 102. He noted that they feel that the turning lane is a very important feature that is a minimal expense to give great benefits. He noted that the Town is supportive of this, and that they are ready to make the submission, as long as the Town's consultant and the Planning Board are on board with that.

Mr. Pagliarini noted that another traffic issue is putting in new proposed entrances and submitting a Physical Alteration Permit. He noted that this is a temporary solution of Jersey barriers to segregate the 18-wheelers from the passenger cars, and noted that they are already installed. He discussed the need for a dedicated entrance for the passenger cars. Mr. Pagliarini stated that they can't make their application for a Physical Alteration Permit to realign the new openings until they have Master Plan approval.

Mr. Pagliarini discussed the concerns of queuing at the diesel pumps for the trucks. He noted that he has seen some scenarios from the Town's traffic consultant to reverse the traffic flow so that the trucks pump coming out of the pumps instead of heading into the pumps. He noted that he spoke with management about it and that these scenarios don't work for a variety of reasons. He explained that there are six traffic lanes for diesel fuel and that four of them have room for a second vehicle behind it. He noted that there is room at the pumps right now for ten vehicles, and in addition there is room for two vehicles at the scale. He noted that there is also a free right hand turn to the right of the scale to bring them in.

Mr. Pagliarini explained that the largest problem from a business standpoint of reversing the direction of the pumps is the scale. He explained that a certain percentage of the vehicles come in and weigh themselves, then fill up with fuel, and then weigh themselves again. He noted that on an out plan, there is no place for them to circle back on the property to get back to the scale. He noted that additionally, it is a significant amount of money to move the pumps or reverse the direction, because everything would be on the wrong side. He noted that it sounds like a good idea, but that it is not practical.

Mr. Ward noted that this request is based on fact that trucks from the truck stop have been backing out and blocking traffic on Route 102, which has been observed by more than one person. He asked Mr. Pagliarini if they are not going to reverse the flow—and that he is not saying that the Board won't require this—what arrangements have been made to stop the trucks from backing up onto Route 102 and blocking the traffic. Mr. Pagliarini explained that signage is lacking that would explain many of these things, and that it is also a matter of retraining the drivers. He noted that he thinks the curb cuts are going to do that because on the new plan it is

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not as easy to back out as it is now. He noted it comes down to striping of the road, signage at the pumps that says don't back up, and monitoring at the pumps. He noted that they can't have vehicles sitting there while someone runs into the store, which has occurred. He noted that the TA employees on site are going to have to tell them to move along until the truckers are retrained. He noted that the concern is acknowledged and that management is going to have to address moving the trucks along in a quick manner.

Mr. Ward explained his experience this evening where he witnessed two cars stopped trying to make a left hand turn into the gas pumps and there was a big truck trying to pull out and there was not enough room for him to pull out behind the cars, but the truck pulled out as if Route 102 was an extension of the TA truck stop, and came to a stop. Mr. Ward noted he had to slam on the brakes to stop before him, and noted it is not your lucky day when the Chairman of the Planning Board, on the night of your hearing, meets up with a belligerent truck driver. He noted that his point is that the traffic there is a mess, even as we talk today. He noted that he doubts it can be addressed with just signage and noted that it does need to be addressed and that it is becoming a hassle. Mr. Pagliarini noted that this is a work in progress and stated that he doesn't know why the third lane isn't on track.

Mr. Boyer asked if the third lane will be constructed with the realignment of Breakheart Hill Road and if it will be part of the same application. Mr. Peter Alviti, PE explained it is not. Mr. Boyer asked when it would be done. Mr. Alviti noted hopefully it will be done concurrently with the TA application. He noted he has had some discussions with RIDOT, and that the Town's traffic consultant is in discussion with them also.

Mr. Pagliarini noted that there is a diesel pump now for cars on the gas pump island side so that cars don't have to go to the truck diesel pumps. He noted that the Popeye's is open and there is no plan for a drive-through window.

Mr. Pagliarini discussed the idling issue, and noted that there is a statute in Rhode Island for anti-idling that no truck can idle for more than 5 minutes per hour. He cautioned that no one should believe that that means for 55 minutes it is quiet, because there are trucks coming in at all different times and each truck gets five minutes. He noted that there could be idling for 60 minutes, but it's 12 different trucks. He noted that the concern that they acknowledge that the neighbors have is that when everybody is idling for 60 minutes the noise is high, but when everybody is idling per the law it is less, but he can't say how much. He noted that a couple of things that they can do to show that they acknowledge the law and are in agreement that it needs to be enforced are that they can have the law printed on the bottom of the fuel receipt, they can post at the entrance signs stating the law, and they can locate a dedicated refrigeration unit parking area away from the residential area because they are exempt from the law.

Mr. Boyer expressed concern that signs and notes on the slips is not enough and that there is going to have to be some sort of enforcement mechanism in place. Mr. Pagliarini noted that it is the law enforcement's issue. He noted that his client will tell you that they run 267 other truck stops and that truckers can be belligerent. He noted the question is who has jurisdiction and noted that the general law dictates that RIDEM is in charge of this. He noted that TA can't be held responsible to go to a truck to tell them to turn off the truck. Mr. Boyer noted that the reality is that RIDEM is not going to be able to enforce that and that they are not going to be

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there at night. There was discussion. Mr. Pagliarini noted there is enforcement and there is mitigation and noted that they can post the signs, put it on the receipts, and move the refrigeration units closer to Route 102. He noted that in addition, the previous owner never got approval for the expanded parking lot, and that they intend to go to the Zoning Board for this. He noted that the area for parking will be reduced by 1.81 acres which will bring it further away from the houses. He noted they are not opposed to creating a berm in that area and planting white pines on top of the berm. He noted that they feel this sound proofing mitigation might give greater relief than a tedious enforcement action.

Mr. Pagliarini noted for the Preliminary Plan there will be a landscaping plan so that you can't see in from Breakheart Hill Road. He noted that the exterior signage really won't be changing from what is there, and that they are not proposing any additional signage at this time.

Mr. Pagliarini discussed the remnant piece of land that will be created with the moving of Breakheart Hill Road and that it will be undersized, and may be sold to the abutting property or be used for drainage.

Mr. Pagliarini discussed the property in the right-of-way owned by the State where there could be an access, or easement, but that the State wants a lot of money for it.

Mr. Pagliarini noted that there are now 40 employees at this property and there had not been that many before, and that many of them are West Greenwich residents.

Mr. Pagliarini noted that this national tenant is willing to cure a lot that ails this area. He noted that the manager from TA who is here this evening is the one person in the room who has experience with truck stops. He noted that there is a lot of technology and computerization that is taking over this industry.

Mr. Pagliarini discussed electrification and noted that he spoke at length with his client and that it does not seem practical. He noted that very few trucks have the generator or the ability to do the plug in and noted that the older trucks don't have the right connections. He noted that it has been his client's experience that the nearest truck stop over the line in Connecticut that tried to electrify but that all the equipment was ultimately damaged by the vehicles. He noted that the new trucks as they are made are going to be self-contained with generators and they won't have any need for electrification because they are going to be able to run their own power. He noted that to electrify each individual site doesn't seem to make any sense to his client and pointed out that they have at least 267 other truck stops and electrification is not a part of their model.

Mr. Pagliarini discussed that there are two concerns with idling trucks—noise nuisance and environmental nuisance with exhaust and contaminants in the air. He noted that in 2009 the Federal Government required an additive to the diesel fuel called DEF that takes the smell and the emissions out of the picture. He explained that the fuel sold on this property does contain DEF and that the contaminants coming out of the trucks are nowhere near what they were 5 years ago. He noted that he believes that the proposal does mitigate the noise as best as possible, and ended his presentation to the Board.

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Chairman Ward read for the audience the agenda item for the advisory opinion on the proposed abandonment of a portion of Breakheart Hill road. He noted that these two applications are intertwined and that public comment is not required for an advisory opinion, but that it certainly is for the public informational meeting. He reiterated that the two agenda items are intertwined and announced that public comment is going to be accepted at the appropriate moment. He noted that the Board will now hold discussion and would also like to hear from Mr. Bannon.

Mr. Boyer asked Mr. Alviti what the distance is from the realigned Breakheart Hill Road to the northerly entrance for the gas pumps. Mr. Alviti noted it looks like a little over 235 feet. Mr. Boyer revisited the issue of whether or not there should be some sort of access from Breakheart to the gas pumps and asked Mr. Alviti if it is safe if someone pulls out of Breakheart onto Route 102 and then slows down to pull onto the entrance for the gas pumps and if that is going to slow down traffic twice on Route 102. Mr. Alviti agreed and noted he does not think that if there were a driveway there that it would affect the new realignment of Breakheart Hill Road being used by commercial vehicles. Mr. Boyer noted he would like to hear from the audience, but that to him, there is certainly enough room there to make a lane to turn off of Breakheart so that they wouldn't obstruct traffic leaving the site. There was discussion on an access driveway off Breakheart Hill Road into the gas station.

Mr. Regan asked if there is any proposed signage out on Route 102 such as 'Truck Stop 100 feet on the Left.' Mr. Alviti noted that they could include something like that in the RIDOT Physical Alteration Permit for trucks coming off of I-95 to give them a heads up. He noted that there will be considerable amount of signage along the frontage and described the signs and their locations.

Mr. Ward asked for Mr. Bannon's opinion about the turn lane. Mr. Bannon approached the Board and explained that he was retained to conduct a traffic impact study for this project under review. He noted that they have done data collection and are in the process of putting together the traffic report which he hopes to have by the end of next week. He noted that he has shared some preliminary traffic concerns with the planning staff based on the observations. He noted that all of the issues that have been raised this evening are the issues that his company has observed. He noted that he has not had the opportunity to discuss these concerns with the applicant and the Town yet in a technical review type meeting. He noted that what he has heard tonight has not convinced him that they can't do the things he is suggesting because he has watched them do it today for the circulation of the trucks in both directions on site and noted it could work with the issue with the scale that has been raised. He stated that the queuing at the pumps is insufficient and noted that they cannot get 10 trucks waiting at the pumps. He explained that he has observed a maximum of 6 trucks before they are already backed out into the street. He expressed concern that if they are increasing truck traffic over what is there today, it is going to be compounded because what is there today is insufficient. He noted that they need to look at options and would like to meet and discuss and work out with the applicant.

Mr. Bannon discussed the points of access and noted it is a mess and is free and open for people to go where they want. He noted that the proposed plan improves it a little, but expressed that there are still too many driveways and too much expanse of pavement. Mr. Bannon stated that it can be narrowed down. He stated that there should be fewer driveways, fewer signs, fewer decisions, and it will make it much cleaner. He noted that this is basic access management.

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Mr. Bannon noted that he has made the recommendation also to have a driveway on Breakheart Hill Road so that you are not forcing people onto a high speed road.

Mr. Ward clarified for the audience that Mr. Bannon was hired by the Town, not the applicant.

Mr. Bannon noted that he feels that the width is there on Route 102 to put in the turn lane and it is just a matter of removing the rumble strips.

Mr. Pagliarini noted he has not heard Mr. Bannon say too many things that his party disagrees on. He expressed concern that the Board doesn't have the report yet and asked if the Town has had an engineer review this. Mr. Ward noted that the Board hasn't had an engineer review the Master Plan and noted the Board is relying on Mr. Bannon from a traffic standpoint and will need an engineer to review the rest. Mr. Pagliarini clarified that Mr. Bannon is a traffic consultant. Mr. Bannon noted his firm is a registered professional engineering firm with many years of experience in this type of work. Mr. Ward asked Mr. Bannon if he has testified before this Board as an expert witness in the past. Mr. Bannon stated he has. Chairman Ward stated that the Board will recognize him as an expert in traffic.

Mr. Bannon offered to meet with the Town and the applicant once the draft report is ready to work out a mitigation plan.

Mr. Ward asked Mr. Pagliarini if TA has hired a traffic engineer. Mr. Pagliarini deferred to Mr. Alviti, who stated that they have not. Mr. Ward asked if they do intend to hire a traffic engineer to work with Mr. Bannon. Mr. Alviti noted they will if it is necessary, but if they can develop a plan that both meets the client's business model and the Town's interest in public safety, then that is all they need to do. Mr. Ward noted that issues are being raised about this now. There was discussion.

Mr. Pagliarini noted his concern is Master Plan approval and that this is the first time he is hearing that the number of openings may be an issue. He asked to make these conditions and noted that he can't proceed to get his State approvals unless he has Master Plan approval. He questioned at what comfort level the Board would want to grant that approval. He noted he has to report a timeline to the corporate office. He noted that time is money but that money is not the sole goal and indicated that time delays inconvenience the residents, and noted that they need to start making some forward progress on this.

Mr. Boyer pointed out that the Board has been very agreeable to TA throughout this process and has helped them move along. He explained to Mr. Pagliarini that he has to understand the Board's position and noted that the Board has the residents of the Town and public safety to take into consideration. He noted that the Board has hired a consultant who has identified some issues. Mr. Boyer noted that he really can't let the applicant's timeframe affect him. He noted that the Board needs to see what the issues are.

Chairman Ward expressed concern that at this point in time, he wouldn't feel comfortable granting a Master Plan approval because first he wants to hear the concerns of the residents, and expressed doubt that all of those concerns will be addressed. He indicated that the advisory

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opinion and the Breakheart Hill Road portion could be separated from the Master Plan to let that move forward. He noted that he doesn't see the Master Plan getting approved tonight and noted that the Board wants to hear from the residents and incorporate those concerns into the decision, if possible. There was further discussion.

Mr. Bryan noted that the realignment of the Breakheart Hill Road can be addressed with the RIDOT in conjunction with the restriping, and that it is related to, but independent of the overall Master Plan. Mr. Pagliarini agreed.

Mr. Bryan pointed out that TA is the expert when it comes to fuel, scales, and queuing. He reiterated that the Board has tried to be very accommodating in response to a piecemeal approach to support the economic development of this property. He noted that the Board is at a point where actions that the Board took previously in good faith without the benefit of this Master Plan and further consultation, has put the Board in a position that is not comfortable and it raises concerns for our community. He noted that the Board has to be responsive to that. He expressed concern that Mr. Pagliarini has talked about retraining truck drivers, but he has also said that these are the belligerent truck drivers. Mr. Bryan stated that they are also transient, so you are not going to retrain these people right away. Mr. Bryan stressed that there has to be a real plan that is going to address this to the Board's satisfaction. He noted that he is not comfortable with it.

Mr. Ward asked for comment from the audience.

Mr. Joe Sipolski, 3 Catherine Wright Court, noted he was thrilled about the letter he received about moving the road, but he is dismayed to hear we are still talking about errant trucks pulling down Breakheart and asked what kind of buffer will be south of the new road to prevent the same situation from happening again. Mr. Ward noted that there will be parking and a grassed buffer. He explained that the Board was discussing that if the trucks go by, that the Board doesn't really want a turn around in there for trucks. He noted that the Board would like to try to accommodate the residents to maybe flare a driveway in there if the residents do want to swing in there for gas, so that they don't have to pull out onto Route 102. It was noted that there is a buffer from the edge of the parking lot to the road of between 70 and 90 feet of landscaped area.

Mr. Sipolski noted that he does not need the access to the gas station from Breakheart and that he thinks it would cause more problems.

Mr. Sipolski noted he is skeptical of the signage because he has been there for 17 years and even with the stones there are still cars going up there.

Mr. Sipolski noted that as far as the turning lane, he has been dealing with the trucks and has to slow down, but that he doesn't see a huge difference.

Mr. Ward noted that the access from Breakheart Hill Road into the parking lot is not written in stone, but is something for consideration.

Mr. John Pignataro, 30 Parkside Drive, asked how the exit works if trucks are queued up at the pump and pointed to the plan. Mr. Alviti responded that there will be striping for a dedicated

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lane out. Mr. Pignataro asked if trucks will cross the line. Mr. Alviti noted that they ran a turning radius analysis on this for the trucks. Mr. Pignataro questioned if a truck coming in would be parked in an angle and then block another truck from the next spot. He expressed concern of trucks parking at the end pump and blocking the exit lane.

Mr. Pignataro asked if the telephone pole will be relocated. Mr. Alviti noted it will be relocated.

Mr. Pignataro asked if there was any discussion about combining the entrances into a single entrance and aligning it with the entrance to the bank. Mr. Alviti noted it was talked about, and explained that a lot of the confusion that comes with the kind of traffic entering this kind of a facility is having traffic going in the same opening both in and out. He noted you get people crossing over one another. He noted that having two dedicated one way entrances and exits will help the flow come into and go out of the facility. He noted it is two dedicated entrances. Mr. Pignataro asked if people will be able to leave the plaza and go across the street. Mr. Alviti noted they won't because there will be signage preventing them from doing that. There was discussion. Mr. Pignataro made a recommendation and request to the Board to have some consideration given to combining the access points and having it align with the entrance across the street. Mr. Ward noted that the Board will rely on the recommendations from Mr. Bannon's report. Mr. Alviti noted it is something they can certainly consider.

Mr. Pignataro asked about the notes on the plans regarding a certain amount of paved area in the back and where certain portions of the pavement are being removed and where certain portions are being added. Mr. Alviti noted that nothing is being added. Mr. Pignataro asked about the heavy duty pavement area. Mr. Alviti noted that is repaving of an overlay on existing pavement. Mr. Pignataro asked for confirmation if that entire area is currently paved. Mr. Alviti clarified that when he says pavement, under DOT, DEM, and general engineering practice, asphalt paving, formal asphalt paving, crushed stone asphalt paving, and gravel paving, is all considered 'paving' because it has the same imperviousness and the same hydrological characteristics. He noted that he is required to count any gravel paved areas as 'paved' areas, from an engineering standpoint. He explained that what is being proposed is the elimination of about 125,000 s.f. of existing paved areas, some of it gravel paved, and most of it asphalt paved. Mr. Pignataro clarified that note number 4 on the plan says 'existing asphalt pavement' is not necessarily asphalt pavement. Mr. Alviti stated that was right. There was discussion. It was noted that the plan will be changed to reflect the gravel area and the paved area or the crushed asphalt. Chairman Ward noted that it needs to be clarified that some of the gravel areas will be asphalted.

Mr. Pignataro stated that his concern is drainage and water quality and what is being done related to the parking lots. He noted that the plans do not show how groundwater or drainage are being treated. Mr. Alviti noted that there will be a net reduction of 1.8 acres of impervious surfaces. He explained that those areas impervious areas will become landscaped pervious areas allowing for more infiltration into the ground. Mr. Alviti explained the difference in runoff between pervious and impervious areas. Mr. Boyer clarified that at the Master Plan, none of the engineering has been completed and asked if Mr. Pignataro is asking if the drainage will be addressed. Mr. Pignataro noted he was curious about what the intentions are and if the area out back was going to be paved and if there was some attention going to be paid to water quality. Mr. Alviti noted that they have to apply to RIDEM for approval and that they will have to comply with the new State Stormwater Regulations.

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Mr. Pignataro asked if there is going to be lighting all in that back area. Mr. Alviti noted that there won't be any lighting. Mr. Ward clarified it is just the existing lighting on the buildings.

Mr. Pignataro noted he doesn't want any access off of Breakheart Hill Road.

Karen Pelletier, 37 Catherine Wright Court, noted that this is probably the fourth time she's been before a board since she moved in in 1998 addressing expansion of the truck stop. She noted that last time in 2010 a few of the residents got up and spoke up in opposition to changing the zoning district from rural residential to highway business and noted that at the time it was approved there were no current use planned and that any future use would have to come in for site plan review. She stated that she is against expanding the truck stop and noted that she can hear it and that this is an issue, and that she can also smell it in the winter when the foliage is off the trees, from her driveway and her garage. She stated she is worried about property value. She stated that she disagrees with the fact that there is no harmful effects from diesel exhaust and noted that if you search for diesel exhaust emissions on the EPA's website you will find that it likely causes cancer, aggravates asthma and other respiratory effects. She reiterated that she strongly disagrees with the fact that diesel emission aren't harmful.

Ms. Pelletier asked if it is legal for them to park trucks on the area that hasn't under gone site plan review. Mr. Ward asked if they are currently parking in the back on that parcel. Mr. Pagliarini stated that at times there are vehicles on that site and that they are remedying it now that it has come to their attention from the Planner that there is a problem with zoning. Mr. Teitz noted that they are either going to have to get a Special Use Permit from the Zoning Board or stop parking trucks on the back property. Ms. Pelletier asked again if they should be using that area until that approval process has happened because effectively they have expanded the use and the truck capacity there with all these issues not being worked out yet. She asked if they should pull the capacity back to what it was at before it got illegally expanded until we work out all these traffic issues. Chairman Ward explained that the Board is in the process of remedying the past errors of the previous owners and that this company has come before the Board to do so. He noted that the Board is going to put all the concerns together and is not going to recommend that they stop doing something that's been illegally done by the predecessor. He noted a complaint could be filed with the Zoning Official. Mr. Ward noted that the Board is here to try to remedy it in the best manner possible. He noted that this is his opinion and not the rest of the Board. He noted that the Board is going to try to work with them to get things in the best interest of everybody, including addressing the issue with the diesel fuel emissions.

Ms. Pelletier noted that there are two separate issues and that idling is the law and it has to be followed. She noted the other issue is noise pollution which is negatively affecting the quality of life of the people on Breakheart Hill Road and Catherine Wright Court. Mr. Ward noted that there is a plan to pull it down further and they were talking about a buffer and a berm.

Ms. Pelletier pointed out her home on the plan and noted that there is a problem now without the truck stop being fully expanded out with noise and idling. She noted that a truck pulled down her road at 3 a.m. last night and woke her up and noted traffic is a concern. He noted she personally doesn't care about having an entrance on Breakheart Hill Road.

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Mr. Regan asked if there is a response about the rear property. Mr. Pagliarini noted that when his client purchased it from the receiver, that it is what it is, and they are now dealing with all these things and trying to address things one by one. He noted that for a compromise for now, they have to make the zoning board application and everyone will get notice. He noted that they can have the surveyor go out there and try to mark the edge of where they are proposing it and put some boulders there to keep the trucks that might be over there away from the residential area, while they are pending with the Zoning Board. Mr. Ward asked if this could be done as soon as possible to put up some sort of barrier.

Ms. Pelletier stated that she feels that the buffer of white pines is not adequate enough to buffer the noise from the truck stop and suggested an acoustic wall like you see on the highways.

Mr. Regan asked if they are also proposing to pull back away from the residential area. He asked to put the plan back up and wanted to see how it relates to the residential boundary line. Mr. Alviti pointed out the boundary line on the plan between the RFR-2 zone and the Highway Business zone. He noted that Lot 2-5 is zoned entirely residential and that no parking is taking place on that lot right now. He noted that the parking is in the Highway Business zone and is entirely on Lot 2-3.

Ms. Paquet noted that Lot 2-3 was purchased by the previous owner in 1997 and that in 1999 he applied for a zone change and during that hearing he went and cleared that property illegally without Town permission and pointed out that there was never any approval on that piece of property for any parking.

Mr. Pagliarini asked for clarification if the previous owner applied for a Use Variance and not a rezone, because it is currently zoned Highway Business. Ms. Paquet clarified that in 2010 it was rezoned Highway Business, and explained that she is talking about what happened in 1999, which is the issue that the neighbors have. Mr. Pagliarini confirmed the current zoning designations on the individual parcels. He asked if the parking as it exists today, while not approved by this or any other Board for site plan review, is on property zoned commercial underneath. It was noted that it is now zoned Highway Business. There was discussion on where the impervious area is being trimmed back and the berm is being proposed. Mr. Boyer asked how tall the berm will be. Mr. Alviti noted he will do some research on what height is the most effective for sound mitigation. There was discussion on a berm for noise mitigation, and moving the refrigeration units away from the residents. Ms. Pelletier stated that will be a very good idea to move the refrigeration trucks away. Mr. Ward asked if this is something they could implement now to get the refrigeration trucks to park closer to Route 102. Mr. Walter Fouche, with Travel Centers of America, noted that they could designate an area for refrigeration only trucks with signage and the employees could try to keep the other trucks out so that no refrigerated trucks would park in the section closest to the houses.

Ms. Pelletier questioned if the berm would be sufficient enough and would like the acoustic panels investigated as a buffer for noise control.

Mr. Bryan noted that TA just said they have limited ability to manage the idling, and that he just heard that the refrigeration trucks are going to be told where to park by signage. He asked how this is going to be managed if they can't manage idling, and how can they be sure that the

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refrigeration trucks are going to park in the designated area. He asked if they are not parked in the correct area, how are they going to be relocated to the correct area. Mr. Fouche responded that TA has no enforcement power and no police power. He noted that all they can do is send their employees out and monitor and ask the drivers to please move to the designated refrigeration area. He explained that when a trucker has been asleep for six hours and somebody knocks on his door, he gets very irritated. He noted it is hard for TA to endanger their employees by going out. He reiterated that TA's enforcement powers are limited and they can strongly recommend the refrigerated area and the no idling allowed by signage, brochures, or talking to the customers. Mr. Bryan discussed that when he goes to certain events, there are parking attendants that direct him to a parking area, and asked if they could implement something like that. Mr. Fouche explained that they don't have what is called controlled parking and that they don't monitor the trucks that come and go.

Adrian Knott, 61 Browns Corner Road, stated that he understands the relocation of Breakheart Hill Road is a definite and it should be treated and moved on. He noted that a designated turning lane is proposed and noted that there is a yield sign coming off the highway. He asked if you now want the trucks to stop, and then move forward to get into a designated turning lane. He noted this means everybody else has to move over to the right lane and asked how this will affect the businesses on the right side. Mr. Ward noted it will be in the report to make sure that the turning lane does not adversely impact any of the current businesses. He noted that the Town Council is adamant that the turning lane go in and it is also being pushed by residents. Mr. Knott asked about the turning lane. It was noted that there will be a whole plan for the turning lane and noted that Mr. Bannon has been hired by the Town to make sure that it is going to be done in an orderly way. Mr. Bannon explained that it will be a dual center turn lane in mid-block areas, and at Breakheart Hill Road and down by Dan's Place it will be an exclusive left turn lane into the side streets. It was noted that RIDOT will be reviewing this and will have to approve it.

Denise Yordy, 49 Breakheart Hill Road, stated she is opposed to the connecting road from Breakheart to the truck stop. She stated there needs to be some sort of assurance and a plan for the enforcement of the idling.

Mike Madden, 54 Breakheart Hill Road, stated that he is one lot over and is the closest. He noted that it is the loudest at his house and it is constant. He noted that you can tell if the same truck is running. He noted that the trucks run day and night and that it needs to be toned down. He asked for some kind of barrier and expressed that three foot white pines is not sufficient. He questioned the effectiveness of a berm and noted that the barriers on I-95 to divide the highway traffic from subdivisions seem to work very well. He noted there is maybe 300 feet of woods between his house and the truck stop and that it barely slows it down at all.

Mr. Madden expressed concerns about spills such as hydraulics and diesel and if there are any plans for that. Mr. Ward noted that they are required to have a spill kit on site and to respond immediately, and they can call the fire department for their protocols.

Mr. Madden expressed concern of lack of lighting at truck stops and noted that where there is no light there is drugs and prostitution. Mr. Madden expressed concern of trash and trespassing in his yard though the woods, and recalled a time when a guy was walking his dog and looking in his shed. The Board noted where Mr. Madden's home was on the plan. Mr. Pagliarini clarified

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that the pine trees proposed would be six to eight feet tall. Mr. Ward noted they would be on top of the berm.

Mr. Madden stated he would like to see the enforcement for the idling and discussed the authority in the law. Mr. Ward noted that the Board has no enforcement authority on this and will send the word up to the Town Council that enforcement is a critical component of this.

Mr. Madden stated he is also against the turn in from Breakheart. He asked if moving Breakheart Hill Road and striping the road are all tied to the Master Plan and if one can't happen without the other. Mr. Ward explained that the Board can split off the Breakheart Hill plan and allow that to move forward tonight, because he doesn't think that the Board is prepared to give its blessing to the rest of the Master Plan tonight.

Mr. Regan asked how tall the berm is going to be. Mr. Pagliarini noted that Mr. Alviti will find out what height works for sound and noted that higher it gets, the wider it gets. Mr. Regan noted it might make sense to price out a wall, too. Mr. Alviti noted he will run a cost benefit on a berm and a wall and see what heights give the best results.

John Daneau, 34 Catherine Wright Court, stated that the moving of Breakheart Hill Road would be a great benefit to the Town. He stated that he and his wife don't see the need for a lane to come in off Breakheart Hill Road. He noted that for enforcement, if there are truckers that are belligerent, he would consider that as being trespassing and the police officers should be able to assist them with that. He noted that if they are not going to follow the laws of this State, they should not be there. Mr. Ward noted that the Police Chief is looking into this.

Mr. Daneau noted that he can hear the trucks, especially when the foliage is down. He noted that for the diesel emissions, in 2011 he noticed a decrease, but that he is still getting black dust on his mail box and on the sides of his house despite all the trees.

Dan Hebert, 164 Breakheart Hill Road (and owner of Dan's Place Restaurant directly across the street from the truck stop), stated that the best solution is to get all the trucks off of Route 102. He noted if they could buy some land from the hotel it would help. He noted he doesn't know why the scale thing is an issue because a truck driver should know how much his truck weighs with a load of fuel. He noted the trucks should come in, do their loop, and either stay in the parking lot or go get fuel. He stated that there is a big problem with the trucks turning in now. He noted it is very obvious and it is going to continue to be an issue. He talked about his observations and his ideas for circulation on the site and so that the trucks don't have to cross the double yellow line. Mr. Ward noted that this is a contention that is shared by more than just Mr. Hebert and that a lot of people in the town would like to see that they actually fill up coming out rather than going in. Mr. Hebert expressed concern for the signs and requiring a trucker or anyone coming off the exit who's unfamiliar with the area to read ten signs. He noted they should make it simple. He noted that he understands that they went and probably paid thousands of dollars to put new pumps in, but they should reverse the pumps.

Mr. Hebert asked where all the drainage coming off the new pavement is going. It was noted that this will be done for the Preliminary Plan stage. Mr. Hebert noted there is an existing drain on Breakheart Hill Road and asked if it is going to be abandoned or covered up.

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Mr. Hebert noted, as far as the sound barrier, that he does not think that a berm with trees on top is going to work. He expressed that the only thing will be a sound barrier, like on the highway, to stop the sound. Mr. Hebert questioned the need to designate a refrigerated truck area for idling versus a non-refrigerated truck, because if it is hot out or cold out, a truck is idling either with the A/C on or with the heat on, and this has nothing to do with refrigeration.

Mr. Hebert noted that the smell is going to be an on-going issue until something changes. He asked how many truck stops have a non-idling policy. Mr. Fouche noted the northeastern states with anti-idling laws. He discussed that DEF was put in in 2009/2010 and that there are still a lot of older trucks that are still pumping into the atmosphere. He explained that the Federal government looks at it that we're making progress and that it is clean enough, but it is not there yet, sadly.

Mr. Hebert expressed concern about putting the burden on the truck stop to walk around and police their site, and agreed that it could be dangerous for TA to police their own site. He noted that he sees it, being across the street. He noted that hiring a police officer to walk around the parking lot is a whole other issue.

Dora Robinson, 39 Breakheart Hill Road, asked if the existing trees in between the truck stop and Breakheart are staying. Mr. Ward asked if there is any thinning or cutting that is going to occur, with the exception of the new road location. Mr. Alviti showed where the road is and the existing tree line, and showed which trees will need to be cleared to put the new road in. He pointed out the area where additional trees will be planted once Breakheart Hill Road is realigned. He showed where the existing trees are that are going to stay and where new trees will be added.

John Pignataro, 30 Parkside Drive, asked for clarification on what is intended to happen in the back in terms of paving. He noted that the plan shows striping, arrows, directional flow, and a very organized layout. He asked if this is all crushed or reprocessed pavement, how does all this get accomplished as orderly as the plan would indicate when it is in fact not being paved. Mr. Pagliarini stated that wherever you see a stripe on the plan there is going to be pavement. Mr. Pagliarini explained that the conflict in what we are saying versus what Mr. Pignataro is hearing is that right now there is reprocessed road there, but from DEM's perspective, it is treated as asphalt because the rain can't permeate through it. It was noted that it is going to be new pavement. There was discussion. Mr. Pignataro asked if this triggers water quality treatment requirements. Mr. Alviti explained that the analysis for the existing conditions for both water quality and quantity is assessed as if it were asphalt and noted there is no difference for the calculations between a compacted gravel or an asphalt. He noted they will meet RIDEM's requirements.

Ms. Paquet noted that there is a larger issue here that needs to be addressed, which is that since the lot was illegally cleared, her recommendation would be to consider that entire lot as wooded in order to do the calculations. Mr. Regan asked if they have started the process yet. There was discussion. Mr. Teitz noted that this is a question that the Planning Board should determine—is it redevelopment, or is it development of the area that was illegally cleared. He noted it would make a difference in the calculations for how much they have to retain on site if they start with it

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as wooded or if they start with it as impervious. Mr. Pagliarini asked to reserve this statement because they may be able to get through the Zoning Board before the Board needs to address that issue. There was discussion. Mr. Teitz noted that RIDEM will probably not independently look to see what the use was and what was legal. Mr. Boyer noted the Board should get some input from the Town's consulting engineer on that.

Chairman Ward asked for any further comments from the audience. There were none.

Mr. Bryan noted that he heard there are 40 employees at the truck stop, but that he doesn't see any employee parking on the plan and asked where they are intended to park. Mr. Alviti explained that the Zoning Regulations require a certain number of spaces and that the calculations include employee parking. Mr. Bryan asked if the 62 spaces are for employees and customers. Mr. Alviti noted this is correct and pointed out that it doesn't mean that all 40 employees are there all at once.

Mr. Teitz commented to the applicant about the traffic issue and the previous discussion about whether to hire a traffic engineer or to work things out with the Town's traffic consultant. He noted he has also heard a lot about how important it is to move quickly on this. He noted these are two countervailing views. He pointed out that this is a national company with 267 other truck stops. He questioned that he can't believe that they are not used to using traffic experts. He stated to the applicant that if they want to proceed without hiring their own traffic expert to do so at their own risk of how it is going to affect the time issue.

Mr. Ward noted that Mr. Boyer has expressed that the Board needs to consult with the Town's engineer on the status of the back lot that was cleared illegally without site plan review, and polled the Board. Mr. Berry and Mr. Regan noted RIDEM will make them work out the details as far as the science is concerned. Mr. Bryan asked if the Board should advise RIDEM about the status of the property that it was cleared and developed illegally. Mr. Berry asked if DEM will do this. It was noted that there was a wetlands enforcement action. Mr. Regan noted that he is speaking to the science and that RIDEM will make them work out the science. He noted he is not speaking to the whole use issue and that he doesn't know how he feels on that.

At this time, Chairman Ward skipped to the advisory opinion on the abandonment of Breakheart Hill Road and called for a motion.

Motion to recommend to the Town Council the abandonment of the portion of Breakheart Hill Road as shown on the Hudson Place Associates site plan as Parcel 'B' on sheet 7 of 7, contingent upon the land swap and the construction of the new road by the applicant. Boyer-Bryan (5-0)

Chairman Mr. Ward announced that at this point the Board has the Master Plan to decide on and noted he is not comfortable, with all the outstanding parameters out there, approving the Master Plan as submitted. He discussed separating out the Master Plan portions for moving Breakheart Hill Road and the center turn lane to go forward. Mr. Bryan asked if there is any signage to go along with this. Mr. Boyer noted that no signage was submitted and that it will be needed with the Preliminary Plan.

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Motion to approve the Master Plan solely for the realignment of Breakheart Hill Road and the striping of Route 102 turning lane, with the conditions that the applicant shall provide the Board with a Master Plan with phasing to separate this as a separate plan (Phase 2A) and that the Planning Board is reserving the Master Plan decision regarding the details of the entrances and exits to Route 102. Mr. Boyer made the motion, Mr. Berry seconded. There was discussion. It was noted that this will allow them to move forward with the Town Council and with RIDOT. Mr. Teitz noted there will need to be coordination between the Town and RIDOT. Mr. Pagliarini asked about the part about reserving the accesses on Route 102. It was noted that the striping is related to where there are going to be entrances and exits. Motion is on the table. All in favor (5-0).

Mr. Berry noted many of the residents were not in favor of the access from Breakheart. It was noted that this could be made known to the Town Council via the Town Planner to the Town Administrator.

Motion to continue the Master Plan Phase 2B to the July 21, 2014 meeting. Berry-Boyer (5-0).

There was discussion on having a meeting between the consultants before the next meeting.

Advisory Opinion to Town Council: Abandonment of Portion of Breakheart Hill Road

-Proposed abandonment of portion of Breakheart Hill Road located at intersection of Victory Highway to establish new location for intersection in conjunction with proposed Master Plan as submitted by Travel Centers of America. Proposed abandonment of "Section B" shown on Sheet 7 of 7 of proposed Master Plan (see agenda item above).

(This item was heard along with the above agenda item. See above for decision.)

REPORTS AND SPECIAL ITEMS

Ms. Paquet gave the Board correspondence regarding a Comprehensive Permit application in Exeter, an Advisory Memo from Statewide Planning on the Love's court decision, and a public hearing for East Greenwich's Hazard Mitigation Plan.

ADJOURNMENT

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

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June 30, 2014

PLANNING BOARD SITE VISIT

A site visit was held by the West Greenwich Planning Board on Tuesday, June 30, 2014, scheduled for 5:30 p.m. . Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, Mark Boyer, David Berry. Absent were Tom O'Loughlin, and alternates Brian Wallace and Bill Bryan. Town Planner Jennifer Paquet and Town Consulting Engineer Dan Cotta of American Engineer were present. Town Administrator Kevin Breene and Director of Public Works Claude Wright were also present. The meeting started at 5:45 p.m.

It was determined that there was a quorum of the Planning Board.

Major Residential Subdivision- status of construction in preparation of Final Review

“Stonebridge Estates, Phase 2” – AP 33, Lot 1-13

--new road off Plain Meeting House Road; 8 lots

Owner/Applicant: Country View Holdings, LLC (Armand Cortelleso)

Present for the applicant were Mr. Cortelleso and Mr. Kirk Andrews, PLS.

It was noted that areas in the cul-de-sac have been patched, and no evidence of where the core samples were in the cul-de-sac.

The Planning Board noted the two engineers need to communicate about the issues.

It was noted that the recent repairs were made to the road asphalt with no one from the Town present.

Mr. Cortelleso noted he did not call the paver to respond to the core testing. He noted he told the paver he was unhappy with the paving that was crumbling and dry and had him repair those.

Ms. Paquet noted that it sounds like there were some deficiencies with the binder, but that the final plan was submitted when it wasn't ready yet.

Mr. Cortelleso noted there were other obvious things that need to be addressed.

Mr. Andrews and Mr. Cortelleso left the group at 6:00 p.m., but remained on site.

Mr. Ward left the site at 6:05 p.m.

The Board noted there is site distance clearing needed on the curve for the entrance.

There was discussion on a procedure to follow and to have everything in writing through the Town and through the attorneys, and to have the engineer present at the next meeting. It was noted that Mr. Ward said he was going to send a letter.

Motion to adjourn. Boyer-Regan (3-0). The meeting ended at 6:20 p.m.

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July 21, 2014

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, July 21, 2014. 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. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Town consulting engineer Dan Cotta, PE, PLS of American Engineering was also present. Vice Chairman O'Loughlin called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

April 21, 2014 Regular Meeting

May 19, 2014 Regular Meeting

June 16, 2014 Regular Meeting

June 30, 2014 Site Visit

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

It was noted that there was a typo on the agenda for the site visit date, and that the May meeting minutes were not available.

Motion to approve the April minutes. Boyer-Berry (5-0)

Motion to approve the June 16, 2014 meeting minutes. Boyer-Berry (4-0) with O'Loughlin abstaining.

Motion to approve the June 30 site visit minutes. Boyer-Berry (4-0) with O'Loughlin abstaining.

Major Residential Subdivision: Final Review for As-Built Plan, cont.

"Stonebridge Estates, Phase 2" – AP 33, Lot 1-13

--new road off Plain Meeting House Road;

-set performance and maintenance bond amounts; consider Final approval

Applicant/Owner: Country View Holdings, LLC (Armand Cortelleso, Manager)

Present were attorney Jack McGreen, Mr. Cortelleso, and Mr. Tim Behan, PE with Commonwealth Engineers.

Mr. McGreen approached the Board and noted he hadn't had a chance to read the memo yet. The Board heard from Mr. Behan. Mr. Behan approached the Board and explained that he has switched firms from TJB Engineering as the original design engineer, to Commonwealth Engineers and Consultants.

Mr. Behan addressed the items in the list from American Engineering from June. He noted the detention pond elevation change had to do with the original topography which was flown and there was a dense area of trees. During construction, the elevation was found to be higher than what the plan indicated and was raised by the developer by roughly 1.9 feet to better match the elevation in the area. He noted that the as-built plan by the surveyor showed a few discrepancies one being the top of berm elevation and the overflow weir elevation. He noted that these didn't

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match the 1.9 raise. He noted he had them match the change and that the top of berm has been raised to the 1.9 change, and the overflow spillway elevation has been raised to the 1.9 change. He noted that everything in the facility was adjusted accordingly and the inlet pipe is satisfactory because it is still a foot higher because the sediment forebay sunk. He noted that in his end there are no issues relative to the change in elevation.

For the sediment forebay, Mr. Behan noted repairs have been made to have an earthen berm spillway and that it has been there for several months and is grassed now. He noted it is favorable now and he can sign off on it. Mr. Behan noted that the outlet control structure was not originally shown on the as-built and that it has several critical elements for control of the detention pond. He noted it has a grate on top of it and there are three orifices on the side to let the stormwater into it, and also a small diameter perforated pipe in the crushed stone at the base which slowly seeps out the water. He noted that he has looked at the elevations and that they do match the adjustment of the 1.9 feet and that the sizes are appropriate now and he can sign off on it. He noted that the only thing missing is the trash rack which has been added to the list.

Mr. Behan noted the original design had two twelve inch culverts going across the maintenance road because the original topo showed a larger drainage area contributing to that area. He explained that he looked at the topo from the new 2011 LIDAR and overlaid it over that area to show that there is a smaller contributory area and he sees no need to install those culverts at that location. He noted that the road has been there for a while and there have been some significant rainfalls and there is no sign of erosive action at that location. He noted it is fine to keep that detention pond road as-is without the culverts.

Mr. Behan noted that the temporary berms were set up so the grass could grow and that they have been removed since the grass is now well established. Mr. Behan noted that there were also some temporary berms set up at Plain Meeting House Road for the same reason. He noted that there was a manhole that had not been constructed yet to go on top of the pipeline across Plain Meeting House Road. He noted that the manhole has been constructed now and so they have opened up the berms because the grass was established.

Mr. Behan noted that there was settlement around the cistern that has been repaired and that the fitting components are still required. He noted that the street signs have been paid for by the developer, and that the berm at the end of the cul-de-sac where the water was getting over and causing some erosion has been beefed up. He noted that the pavement depth was raised as an issue by the Town and that the developer went over the failed core locations with him. He noted that you can see it was closer to 2 ½ inches and it may have been a testing issue. He noted that there are some areas where the asphalt is not consolidated well and falls apart easy. He noted that several of those areas have been repaired by the paver and there are a couple areas still remaining which were a concern which has been added to the punchlist for bonding for further repairs. He noted that there is also another line item to address the shortfall on tonnage for the binder asphalt slips and noted that the difference is being added to the list for a bond value. He noted that the landscaping has to be added to the bond amount. He summarized the other outstanding items to install the trashracks, field verify the improvements to the top of berm which had been raised a few more inches, to install the cistern components, install the signs, and add asphalt tonnage to the bond amount.

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Mr. Berry asked if would be sufficient structurally to make up the shortfall on the binder with extra tonnage on the final pavement. Mr. Behan noted that there are some areas that were more loose that are going to be monitored and that time will be the test. He noted that the houses are going to be constructed and there will be large vehicles out there over the next year. He noted that if areas start failing, cracking or falling apart they are going to be flagged off and will need to be ripped out and put in another 2 ½ inches of binder course. It was noted that this is what the \$10,000 bond item is for. Mr. McGreen expressed that this amount is high. Mr. Regan disagreed and noted he thinks is a low amount and that the road he saw looks like it needs a lot of work. There was discussion and the Board expressed concern that it is already decaying and may get worse during house construction.

Mr. McGreen expressed concern that the project review amount of \$4,000 is needed. Ms. Paquet noted the site will be monitored during the maintenance period and that there will need to be a follow-up inspection and memo for the bond release. She noted the account is in the negative now.

Mr. McGreen asked about the cost of the core testing which his client could have performed for free. There was discussion on lead time notice to the Town. Mr. Cortelleso explained that Claude was out there on Thursday when they laid the gravel for at least two and a half hours. He stated that when you grade to do not grade processed gravel unless you are going to pave, and that you must immediately asphalt or all the final grading that you did is gone. Mr. Ursillo noted that Geisser did find some issues out there. Mr. McGreen explained that his engineer measured it and it was closer to 2 ½ inches. Mr. O'Loughlin noted the tonnage was short. Mr. McGreen noted that the tonnage was a little short but that it was going to be made up in the top coat. There was discussion on the core testing bill.

Mr. McGreen asked about the open space and recreation fee. It was noted it is a fee in-lieu-of land dedication and is calculated every six months to a formula. It was noted there was no open space dedication in this project.

Mr. Boyer asked what the trash rack is made out of. Mr. Behan noted it could be ten different ways and they can get a shop drawing to be approved.

Motion to approve the Stonebridge Estates Phase 2 final plan with the following conditions:

1. Install trash rack
2. Install cistern vent and any other incomplete fittings
3. Cistern and fittings to be approved by Fire Department (suction test, fill test)
4. Perform Site distance clearing according to July 21, 2014 memo and per the plan.
5. Post Performance Bond for road bounds, landscaping, and final pavement, including make up of tonnage lacking from binder into final topcoat, totaling \$40,500.00
6. Post bond for areas of concern on binder in amount of \$10,000 (to be added to maintenance bond)
7. Post Maintenance Bond of 15% total cost of completed items of \$26,820.45 (plus the \$10,000 totals \$36,820.45)
8. Replenish Project Review Account in amount of \$4,000.
9. Pay Open Space and Recreation fee per lot prior to recording
10. Reimbursement for road signs has been received for Town to purchase and install.

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11. Site Plans are not required for each lot in Phase 2, as engineer had previously demonstrated that drywells were not necessary for this phase.
12. Erosion and Sedimentation controls shall be used for each house site.
13. Member / officer names for the owner of Country View Holdings LLC shall be added to record plans.
14. Cost of asphalt testing to be paid for by applicant/owner (core testing plus chemical analysis).

Berry-Boyer. Discussion. Mr. McGreen questioned the amount for pavement of final asphalt. It was noted it was for additional items. Mr. Regan questioned the amount of \$10,000 for the binder patching. Mr. McGreen noted it represents twenty-five percent the total cost of the road. It was noted that the \$10,000 came from Mr. Cotta and Mr. Wright's measurement of questionable areas. Mr. Boyer clarified notification for inspections has to be a minimum of 24 hours and go through the Town Administrator and be documented in writing. There was discussion. It was noted that this is not anything new. Motion amended to add a finding of fact that there was no open space dedication for this project. Berry-Boyer. (5-0)

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

"Travel Centers of America" TA Truck Stop

Assessor's Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18

--at 849 Victory Highway; Zoning: Highway Business

--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road

Owners/Applicant: TA Operating, LLC (Thomas M. O'Brien, President)

Attorney John A. Pagliarini, Jr. approached the Board and asked for a continuance. It was noted that the traffic study was received today. There was discussion on the schedule and the moving of Breakheart Hill Road. It was noted that there is going to be a TRC meeting to go over the comments. It was noted that the Zoning Board has approved the Special Use Permit for the expansion, with conditions. **Motion** to continue to the August meeting. Boyer-Berry (5-0).

There were residents present in the audience for this item. It was noted that the Board will get a copy of the Zoning Board's decision.

Major Residential Compound Subdivision: Pre-application

-off Breakheart Hill Road; AP 48, Lot 8-1

--five lots with private access road proposed

Owner/Applicant: Daniel Hebert

Mr. Dan Hebert and Mr. Jeff Campopiano, PE were present. Mr. Campopiano noted that the Breakheart Estates subdivision has Master Plan approval for an 8 lot conventional subdivision and that they are re-applying as a residential compound. He acknowledged that the Fire Chief may ask for a 20 foot wide travel surface, and noted that Mr. Hebert was thinking of paving the road. Mr. Campopiano passed out a revised plan showing the road going around the existing house. He noted that there is a lot of room and that it is 28 acres.

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He noted that there are two lots existing in front that get access from the driveway. It was noted that Lot 9 will get an easement and Lot 10 will have access from Breakheart Hill Road.

Mr. Campopiano noted that they can use the same wetlands flags to apply to RIDEM. He noted the site is adequate for septic systems and wells. He noted that they will re-apply to RIDEM for subdivision suitability for less lots.

It was noted that the length of the road is about 1,100 feet. Mr. Campopiano noted there is above ground utility lines to a certain location on the site, and from there it will go underground.

There was discussion on the access to the two existing lots and noted that there could be an administrative subdivision or easements and could be worked out later on.

Minor Subdivision: Pre-application

“Potter Homestead” : AP 38, Lot 9-2

--at Liberty Hill Road; frontage lots or residential compound proposed

Owner/Applicant: Kenneth W. Potter

Mr. Ken Potter was present. Ms. Paquet explained that the original application was to do a residential compound, but there is a bit of a slope and with the length of the road to access the two lots it might be more cost effective to do frontage lots. Mr. Boyer noted that Mr. Potter could cut out the frontage lots as phase one and do the road later and that a special request to do that is not needed as requested in the cover letter. There was discussion on cutting out frontage lots and it was noted that if it is a residential compound it would restrict further subdivision. It was noted that a lot of the site is wet or steep. It was noted that Coventry Survey should do an analysis for the best way to develop the site.

PLANNING PROJECTS

Conservation Design Development

-review of existing ordinance and regulations

It was noted this is not ready and will be continued until the Fall.

REPORTS AND SPECIAL ITEMS

Ms. Paquet noted the two letters from Statewide Planning about funding for the Comprehensive Plan and the letter from Rhode Island Housing about the affordable housing percentage. There was discussion on updating the Comprehensive Plan.

Mr. Ursillo noted there is an appraisal being done on the Victory Woods land.

ADJOURNMENT

Motion to adjourn. Boyer-Regan (5-0). The meeting ended at 8:26 p.m.

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A regular meeting of the West Greenwich Planning Board was held on Monday, August 18, 2014. Present were: Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, and alternates Bill Bryan and Brian Wallace. Chairman Brad Ward and Mark Boyer were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Vice Chairman O'Loughlin called the meeting to order at 7:02 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

May 19, 2014 Regular Meeting

July 21, 2014 Regular Meeting

It was noted that the May meeting minutes are not ready yet. Motion to pull the minutes off the consent agenda. Berry-Regan (5-0). Motion to accept the July 21 minutes. Berry-Regan (5-0)

Major Residential Subdivision: Amendment to Final Approval /Posting of Bond

“Stonebridge Estates, Phase 2”– AP 33, Lot 1-13

--new road off Plain Meeting House Road;

-set revised performance and/or maintenance bond amounts; consider amendment to Final approval

Applicant/Owner: Country View Holdings, LLC (Armand Cortelleso, Manager)

Attorney Jack McGreen approached the Board for the applicant. Mr. Cortelleso was present in the audience.

Mr. McGreen noted that his client has elected to finish the work rather than post the bond. Mr. O'Loughlin noted that this poses some concerns for the Town as to having the top coat on the road with all the construction heavy equipment and the potential damage to the road. Mr. Berry noted that typically the way we do a subdivision is to do the binder, then do all the construction and let the binder settle, then come back and do the final coat so it doesn't get messed up. He noted that the Town can't accept the road if the final pavement isn't acceptable. Mr. McGreen noted that there will be a maintenance bond in place and if there is a problem you have the money there to fix it. Ms. Paquet asked if it is going to be the final pavement and the bounds and the trees. Mr. McGreen noted it is everything. Mr. Bryan expressed concern that he doesn't believe that the maintenance bond value is sufficient to cover a hundred percent value of the finished work. He suggested to do the work the way it is always done, where the process is that the developer does the binder course, and then comes back and finishes the project after build-out. Mr. McGreen noted that he believes that his client has a right to finish it. Mr. Ursillo explained to the Board that under the regulations the Board cannot prevent the developer from doing the final coat prior to build-out. Mr. Ursillo noted for the record that the Board's concerns are the extremely heavy equipment, well rigging equipment and construction equipment vehicles with everything you need in connection for building the houses. Mr. McGreen noted they are all rubber tires. He noted that they drive across the roads to get there. Mr. Bryan noted that the problem is that when they unload equipment that not all the equipment is rubber tire, and there is

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no way of assuring that because you don't know who is going to be doing the individual lots. He noted that a contractor could bring in tracked equipment for grading, and he could unload the equipment on the street. Mr. McGreen stated that his client does not do that and that he unloads it on the site. Mr. Bryan asked if he is going to be personally building every property. Mr. McGreen noted that he will probably build them all. Mr. Bryan asked if he will guarantee that. Mr. McGreen noted he will not guarantee that.

Mr. Berry noted that the Town engineer recommends that all the wells be drilled if you are going to do it that way. Mr. McGreen noted that is not something in the regulations that the Board can mandate his client to do. Mr. Ursillo agreed and explained to the Board that it is not in the regulations.

Mr. Ursillo noted he is going to do all the landscaping and all the berms. Mr. McGreen noted it is everything. Mr. Ursillo noted that all of those things are subject to being destroyed. Mr. McGreen noted that was correct and that his client is aware of that. Mr. Cortelleso explained that he has 28 units going up in various parts of the State and that none of them are on new roads. He noted that he hasn't hurt a road. He noted that he has had wells put in and he has excavators come in. He noted that these guys are all responsible for whatever they do to him. He noted that they are going to come in and back their trailers onto the lots. He noted that every lot has a 20 foot, wider than half the road, driveway graveled into here. He stated that there are swales for the water to run and that they are not going to back their truck into a swale and drop the machine off. He stated that these guys are all experienced people and that most of them have been with him for 30 years. He stated we are not going to hurt the road at all.

Mr. Ursillo noted that the ordinance allows for a 15% maintenance bond based upon the total cost of construction. It was noted that this was gone over last month. Ms. Paquet went over the bond amounts from the decision letter for the performance bond and the maintenance bond. She noted it would be 15% of what the performance bond would have been, and to add that to the already approved maintenance bond. Mr. Bryan disagreed on the cost presented for the final pavement and the landscaping.

Mr. McGreen noted there was an additional \$10,000 for the patches in the maintenance bond and noted that they have done all the patches and that the bond should be reduced by \$10,000. Mr. O'Loughlin asked if someone from the Town was on site when they did the patches. Mr. McGreen noted that the patches have not been filled yet. He noted they were told not to do it until this meeting was held. Mr. Ursillo noted that they can come back to have the bond reduced after the work has been done. There was discussion.

Mr. Ursillo advised the Board that if the developer wants to do all the improvements then all the Board can do is require the maintenance bond. He noted that there is not much the Board can do here other than put the developer on notice, as they are doing, that anything that gets destroyed, including the road, the berms, or the landscaping is going to be paid for by him. There was discussion on having the bond amounts verified and it was noted that the amounts had been reviewed by Mr. Cotta, consulting engineer for the Town.

Mr. Ursillo noted that there is a big concern here and that the Town has never seen it done this way. Mr. Cortelleso stated that he does it this way all the time. The Board expressed concern

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of heavy equipment going on the final pavement and chewing it up. Mr. O'Loughlin asked Mr. Ursillo if the Board can put any stipulations that if there is any off-loading of heavy equipment on the new road that there can be a stop work order or something like that from the Town. Mr. Ursillo noted that Mr. Cortelleso said to the Board that all the off-loading is going to be done on the property and not on the road. He asked Mr. McGreen if his client agrees to that. Mr. McGreen stated no. Mr. Cortelleso stated that when he off-loads a tire machine it will go on the road and that they won't even off-load a track machine on the road. Mr. Bryan pointed out that the ramp is on the top coat taking the point load of the vehicle on a July day. There was discussion.

There was discussion on the bond amounts and the \$10,000 for the patching. It was noted that the patching has to be approved by the Town before that bond is reduced. Mr. Cortelleso noted he is going to do this work before he even posts the maintenance bond. Mr. McGreen noted that maybe they should come back and set the maintenance bond after the work is completed. He noted that they don't need to be here tonight and that they could just go and do the work and come back and ask for the maintenance bond. Ms. Paquet explained that they need permission to make that change. She noted that everyone was under the impression that there was going to be the process of posting the bond, doing the house construction, and then coming back to finish the rest of the work and that is the change that the Board is reviewing tonight. There was discussion.

Mr. Berry asked Mr. Ursillo about the recommendation from the engineer to install the wells first. It was noted that the Board can't require this.

Mr. O'Loughlin asked Mr. McGreen if his client is aware that during the maintenance period that he is still responsible for plowing the road for one year. Mr. McGreen stated that he does.

There was discussion on a motion to amend the previous decision. There was discussion on the \$10,000 bond to do the patch work.

There was discussion to amend the decision to change the conditions of approval to delete number 5 for posting a performance bond and to add 15% of the \$10,000 patch bond and 15% of the original performance bond to the maintenance bond, for a total maintenance bond of \$34,395.45. It was noted that the motion would be the same as last month with the modifications to items 5, 6, and 7. It was noted that the work has to be inspected by the Town before the maintenance bond can be posted, and before the plan can be recorded. It was noted that this can be done administratively.

Motion to amend the previous decision to modify items 5, 6, and 7 to require that the work that was to be performance bonded be completed to the satisfaction of the Town and inspected and approved prior to recording the final plan, and to change the maintenance bond amount to a total of \$34,395.45. Regan-Bryan (4-1) with Mr. Berry voting nay.

Mr. O'Loughlin noted to Mr. McGreen that his client was informed that he is to plow for the one year and that the Town will be watching the road when he comes back for the maintenance bond release.

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Minor Development Plan: Construction status, cont.;

Deadline to complete Extended to August 2014 meeting

“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 J. Behan, PE with Commonwealth Engineers approached the Board for the applicant. Mr. Behan noted that there was a deadline of July to complete the site work and that it has not been completed. He noted that very little site work has been done this year except for the landscaping. He noted that Mr. Roch got bids to do the work that came in higher than he thought and that he also wants to put on some garage doors and depressions for additional loading docks. He noted that Mr. Roch wants to go back to the financing agency for additional money to do the site work and also to make the loading docks. Mr. Behan noted that he can have an updated site plan and building elevation for the next meeting and that will give Mr. Roch time to go to the bank to get additional financing.

It was noted that some landscaping had been completed. Mr. Behan noted that there were two bio-retention areas that need to be constructed and a few manholes and catch basins. He noted there were also to be 9 parking spaces. Mr. Bryan asked if the drainage was related to the additional parking. Mr. Behan noted that the new parking area would have to drain to the bio-retention area for treatment. He noted that he has increased the impervious area over the original site.

The Board expressed concern with enforcement of this project. It was discussed to have the revised plan ready for next month. Mr. Behan will provide a list of outstanding items.

Motion to extend the deadline to complete the Roch’s Fresh Food project to the September meeting and that the applicant must be present with his experts to give the Planning Board a detailed review of the outstanding items and an expected completion date. Berry-Regan (5-0).

Minor Land Development Project: Final Plan/ As-Built of drainage

“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.

Mr. Scott Moorehead, PE with SFM Engineering approached the Board for the applicant. Mr. Moorehead explained that the work discussed last time has been completed and that the crushed stone driveway has been completed. He noted that he was there on Wednesday when we had the rain storm last week and reported that the maximum depth of the water in the basin was about one foot. He noted we had six inches of rain in Coventry. He noted that the basin worked well and that the overflow basin got no water. He noted that the upper basin worked quite well also.

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Mr. Moorehead noted that they removed the unsuitable soil and put a layer of sand on top. He noted that the overflow basin is well vegetated, but that they need a little more grass to grow in the main basin with the sand bottom.

Ms. Paquet read Mr. Cotta's comments for the record that he has reviewed the as-built plan and seen the pond perform in a few significant storms and that he is confident that the issues has been put to bed.

Mr. Moorehead noted that the overflow basin was constructed bigger than what was designed and that they made the main basin a little bigger by extending out the bottom a little bit. He noted that the bottom weir notch has been filled completely with concrete. He noted that the overflow basin would have to fill completely before the weir overtops. He explained that the upper area of the site has been very well stabilized and noted that the likelihood of any significant siltation or clogging is very low.

The Board asked about the sandbags on Route 102. Mr. Moorehead noted that they are still there but that they can be removed now because the area is stabilized.

Ms. Paquet noted that she still needs to check on the landscaping and noted that there were some additional trees added in the motion that weren't on the plan that were to be put in the line of sight from the weir up to the building. Mr. Moorehead noted that there was one dead tree there and that they were holding off until the weather got better.

Ms. Paquet noted that the Board had also made a condition that the project was to come back to the Board a year from now to check on the performance of the drainage and to review the landscaping.

The Board asked for a review of the file and to have a motion drafted for next month. It was noted that the applicant would not need to be present.

The Board took a 5 minute recess and reconvened at 8:00 p.m.

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

"Travel Centers of America" TA Truck Stop

Assessor's Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18

--at 849 Victory Highway; Zoning: Highway Business

--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road

Owners/Applicant: TA Operating, LLC (Thomas M. O'Brien, President)

Mr. Paul Bannon from BETA Group, Inc. was present for the Town for the traffic study.

Attorney John A. Pagliarini, Jr. Esq of 3913 Main Road Tiverton approached the Board for the applicant. Also present were project consultants Peter Alviti, PE from Hudson Place Associates, Mr. Robert Clinton, PE with VHB, and Mr. Walter Fouche from TA.

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Mr. Pagliarini noted that a technical review meeting was held and that it was decided that the Town would be the applicant to RIDOT for the restriping and the relocation of Barnett Lane and Breakheart Hill Road because it would be quicker than if the applicant was going to apply to relocate the road. He noted that his engineer will be working with Mr. Bannon on this.

Mr. Pagliarini noted that they went to the Zoning Board on July 15 and were granted a Special Use Permit for Lot 2-3.

Mr. Alviti passed out revised copies of the site plan. Mr. Pagliarini explained that the Zoning Board authorized the use of truck parking with a condition that Lot 2-3 is to be a no idle zone. He explained that the entire site is going to be limited to 130 truck parking spaces and that there has to be noise abatement. He noted that the Zoning Board also required additional planting in the area that is being reclaimed from the parking area and the area between the property line and the relocated Breakheart Hill Road. He noted that they are working on a unified traffic plan to RIDOT.

Mr. Pagliarini noted that he sent correspondence to the property committee for the State of RI and RIDOT regarding the 10,000 sf portion adjacent to the site noting that the TA was not going to pay the amount the State requested to purchase the piece. He noted that a letter came back noting that no real estate agreement is necessary for the intended use of the property but that they must apply for a Physical Alteration Permit.

Mr. Alviti passed out a report titled, 'TA Travel Center Truck Idling Noise Abatement.' Mr. Alviti noted that for the sound, he did an initial analysis of who is being affected by the sound and how the sound is travelling. He explained that most of the residential properties that are being affected from the sound of idling trucks is to the west of the site and that there are three concentrations of houses in that area. He noted they are Catherine Wright Court is the closest with several houses, Parkside Drive further to the west, and the homes on Breakheart Hill Road. He noted that about 105 vehicles on average park in the lot on any given night and the noise is from the idling trucks. He noted that part of the plan is from the Zoning Board for the no idling zone and pointed to the location on the plan. He noted that 49 of the parking spaces fall into this no idling zone. He noted that the trucks that park there will further abate the noise getting to the homes because with their engines shut off they actually provide a kind of a barrier themselves from the noise travelling. He noted that the second abatement is also from the Zoning Board to have the area behind the berm to the existing tree line have additional plantings so that over time as they grow they would help reduce the noise even further. Mr. Alviti explained that the third point is the implementation of a noise barrier along the westerly line. He noted that they did an analysis on the last two pages of the report that explain this. He noted they are a cross section of the site with lines of sight to those residential areas. He pointed out that there is a major terrain feature about half way between the two that serves as a natural terrain buffer and beyond that point is a shadow effect for the sound. He noted that in addition to the trees, they are proposing a barrier of sufficient height to break the line of sight between the trucks in the parking lot and the residents that are currently unsheltered. He noted that they did an analysis and the tangent value came out to 6 feet, and they added another foot on top of that for further mitigation. He explained that they are proposing a 7 foot tall earthen berm, 30 feet wide at the base with a 2:1 side slope vegetated berm along the entire property and wrapping a bit around the side to protect

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the houses that are closer along Breakheart Hill Road. Mr. Alviti noted that the pavement area that is being removed also removes potential parking spaces so they are reducing the number of vehicles that are going to be there. He recapped the noise mitigating measures that are proposed and noted that by doing this they will be reducing substantially the amount of noise that is mitigated from the site to those receivers.

Mr. Pagliarini asked Mr. Alviti if he considered a wall or sound proof barrier. Mr. Alviti noted that he did consider a wall and explained that the Department of Transportation literature on sound barriers for highways note that the earthen structures are the more effective structures.

Mr. Pagliarini asked how far away from the existing forested line the pavement has been pushed back. Mr. Alviti noted that they have taken it back about 150 feet by removing the pavement and vegetating the westerly area.

Mr. Pagliarini noted that idling is not the only noise that the trucks make and gave examples of gears shifting and breaks and asked Mr. Alviti if he considered all types of truck noise. Mr. Alviti noted that the bulk of the noise from trucks is engine noise and tire noise which is from zero to five feet high and noted that the height of the berm and the trees account for both of those heights. Mr. Pagliarini asked Mr. Alviti if he feels that the proposed noise abatement will sufficiently cover and protect the neighborhood as best as possible from gear shifting and grinding. Mr. Alviti stated that he can't say that you won't hear anything at all from it, but that you will hear substantially less than what is there now. Mr. Pagliarini asked Mr. Alviti if the proposed berm as proposed this evening is larger than previously shown. Mr. Alviti noted that there was no height previously. Mr. Pagliarini asked Mr. Alviti if there are any other commercial uses in the vicinity that are causing any kind of noise. Mr. Alviti noted there is I-95 and Route 102. Mr. Pagliarini noted there is also the truck traffic in Route 102 that are not pulling into the truck stop, and the Roch's site on Arnold Farm Road that has trucks running 24/7. Mr. Alviti added that there is a cul-de-sac to the south of the truck stop with industrial buildings. Mr. Pagliarini asked Mr. Alviti if in his expert opinion if the noise abatement that he is proposing this evening is the best proposal to remediate an existing problem that has no controls in place. Mr. Alviti stated yes.

Mr. Regan asked Mr. Alviti if he looked at a hard wall. Mr. Alviti noted that he did and explained that the general consensus is if you can, to do a berm. He explained that reason they don't use berms is because they are more costly and take up a lot more land than a wall would. He noted that on this site they will have enough soil and there is plenty of land to do it on. He noted that the earthen berm gives a lot more sound reduction than a high wall.

Mr. Bryan asked how tall the white pines would be. It was noted that they should be around 6 to 8 foot range. Mr. Bryan asked if any trees could be on the face of the berm. Mr. Alviti noted that the root system would cause erosion on the berm. Mr. Bryan asked if they need to do anything given the fact that that area has been driven on for years. Mr. Alviti noted that they will scarify the area before they plant. Mr. Bryan noted that they have to break it up to the depth of the root ball.

Mr. Regan asked who will be implementing and enforcing the no idle zone. Mr. Pagliarini answered that they will be having a conversation with the Town Solicitor to try to figure out how

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to enforce it. He noted that they will put up signage but they need to come up with something that is better than the State law now. Mr. Regan asked if the owner has any suggestions. Mr. Fouché noted that they have no legal powers to. He noted that all they can do is call the police. Solicitor Ursillo noted that the Police Chief is working on it and it is going to be a work in progress.

Mr. Bryan left the meeting at 8:30 p.m.

Mr. O'Loughlin asked Mr. Alviti if he ran any numbers for dB loss. Mr. Alviti noted it is vague in terms of how that works and explained that there will be an automatic loss of 5 for the berm or a wall. He noted that the distance issue is even more substantial. He explained that the closer the noise is to the berm the more effective it is because of the shadow effect.

Mr. Berry asked what kind of signage there will be. Mr. Alviti noted that there will be a signage plan after the traffic engineers finalize the circulation plan.

Mr. Alviti addressed the stormwater abatement and noted that there are two major issues. He explained that he discussed with RIDEM to address everything that exists now and compare that with what is proposed. He noted there is also the issue with the Town of the area that was paved since 1995 on Lot 2-3. He noted that they discussed with the Town and that the owners have agreed to provide the quantity mitigation for that area to design for no increase in flow and to treat it to the pre- 1995 values. He noted that they will also treat quantity for any increases for the new road alignment and the new parking area in front, but that these are mitigated by the removal of the existing pavement from the rear parking. He noted that they will treat for water quality for both of these areas. Mr. Alviti pointed out the area on the plan for the conceptual treatment. He noted that the groundwater is high so they are going to do a berm down gradient. He noted that they have not submitted to RIDEM yet because they are waiting on the circulation plan. He noted that it is considered a remediation site for RIDEM stormwater management purposes. He explained that they will use the same discharge points for stormwater for the relocated Breakheart Hill Road.

Mr. Paul Bannon for the Town approached the Board and noted he was retained by the Town to do a traffic study to analyze the Route 102 corridor in that area. He noted that they conducted traffic counts, reviewed the physical features and accident data, and that they received information from TA. He noted that during the traffic counts the site was evolving with the new restaurant and so they did more traffic counts. He noted there were more changes and so there was more analysis. He explained that what you see today is the magnitude of what you can expect for the number of trucks. He explained that this site receives between 80 to 100 trips per hour.

Mr. Bannon discussed that Monday and Tuesday are the busy days for truck parking and noted that the lot would be full tonight. He explained that the latter half of the week it would be down to between 70 to 80 trucks parking overnight, noting that they are in after 7 p.m., and leave before 6 a.m. He noted that on average there are about 60 trucks back there during the day.

Mr. Bannon discussed the traffic on Route 102 and noted that capacity is not an issue, but that it is more of a safety issue with movements of the trucks. He explained that the Town and the

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applicant are in agreement on two items—location of relocated Breakheart Hill Road and the center turn lane. He noted what still needs to be addressed and there is no agreement on yet is the configuration of the site driveways for the restaurant gas station and diesel pumps. He noted that there should be one access for the restaurant site and that there should be access management. He noted it should be modified from what is shown on the plan to be a single curb cut. He noted the second recommendation is to simplify and reverse the access flow for the diesel pumps. He explained that the trucks should enter the site in one location, circulate through, and fuel from the back side of the pumps, and showed the alternative plans from the traffic study.

Mr. Bannon noted that for the PAP application for the Town that the TA points of access don't need to change in the short term. Mr. Bannon showed Exhibits 1, 2, and 3.

Mr. Pagliarini noted that the applicant did not propose any access to Breakheart from the site as shown on Mr. Bannon's plan but noted that it was wise from the engineers' perspectives.

Mr. Pagliarini asked Mr. Bannon if there is a single 35 foot wide access if a Winnebago towing a pick-up truck could maneuver into the access. Mr. Bannon noted that it could. Mr. Pagliarini noted that they want their own traffic person to look at it.

There was discussion on the proposed changes to Barnett Lane.

There was discussion on the cost to change the direction of the diesel pumps. It was noted that the engineers need to work this out.

There was discussion on the existing electric poles.

It was noted that they need to work on the traffic curb cuts and the internal circulation.

The Board opened the meeting to comments from the audience.

Karen Pelletier commented on the reversal of the pump flow. She noted that there are two types of noise—noise from the idling and noise of truck traffic and expressed concern that it sounds like the noise from the traffic will be worse with looping the trucks around the site to access the pumps. Mr. Bannon showed the depth of the loop on the site. Ms. Pelletier asked for a copy of the sound study and Ms. Paquet noted she will post it on the Town's website.

A resident asked how the trucks crossing over the double yellow line will be addressed. It was noted that it has to do with the radius of the curb cuts.

A resident from Catherine Wright Court asked if there will be a maintenance plan for the earthen berm to keep it at the correct height such as if there was a big storm. It was noted that it will be part of the plan in case it erodes before it is stabilized.

Joseph Sipolski, 3 Catherine Wright Court, expressed concern of the height of the berm in relation to the height of the exhaust stacks on the trucks and asked the Board to consider something taller. He expressed concern that white pine lose their bottom limbs and asked the

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Board to consider a different evergreen to block down low. He expressed concern of the restaurant parking lot and noted that anyone parked there would go out to Breakheart Hill Road. He noted that he doesn't mind going down to 102 to turn in, and that he personally would like to have the road separated from the property. He expressed concern of the signs not being effective and there being an enforcement issue.

Mr. Alviti addressed the exhaust pipe heights and noted that for the studies that have been done, the main source of noise is from the engine which is about 5 feet high. Mr. Regan clarified that the resident was talking about emissions. Mr. Alviti noted they are not proposing to do anything for emissions with the berm.

Mr. O'Loughlin asked what is being done for when the pines lose their lower limbs. Mr. Alviti noted that this is what the berm is for.

Motion to continue to the September meeting. Berry-Regan (4-0).

PLANNING PROJECTS

Community Guidance to Maintain Working Farms and Forests

-consider scheduling a training session hosted by RIDEM Office of Planning and Development

Ms. Paquet noted that there was a flyer in the packet and that RIDEM has offered to come to the Board to have a workshop on this. The Board expressed that they would like to focus on other priorities. They asked to have a list of outstanding projects.

ADJOURNMENT

Motion to adjourn. Berry-Regan (4-0). The meeting ended at 9:40 p.m.

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A regular meeting of the West Greenwich Planning Board was held on Monday, September 15, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, Mark Boyer, and alternate Bill Bryan. Alternate Brian Wallace was absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

May 19, 2014 Regular Meeting

August 18, 2014 Regular Meeting

Motion to approve the minutes. Berry-O'Loughlin (4-0), with Mr. Ward and Mr. Boyer abstaining.

Minor Subdivision (CA)

Minor Residential Subdivision- Preliminary Plan

"The Rathbun Plat" AP 32, Lot 10-1

--on corner of Plain Meeting House Road & Welch Hollow Road

Owner/Applicant: Gilbert W. Rathbun, Jr.

Motion to approve the minor subdivision in accordance with the memo for the consent agenda. O'Loughlin-Berry (4-0) with Mr. Ward abstaining.

Motion to amend the agenda to move the TA Truck Stop Master Plan Public Informational Meeting to the top of the agenda. Boyer-Berry (5-0)

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

"Travel Centers of America" TA Truck Stop

Assessor's Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18

--at 849 Victory Highway; Zoning: Highway Business

--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road

Owners/Applicant: TA Operating, LLC (Thomas M. O'Brien, President)

Attorney John A. Pagliarini, Jr. approached the Board. Mr. Peter Alviti, PE with Hudson Place Associates was also present for the applicant.

Mr. Paul Bannon of BETA Group, Inc., traffic consultant for the Town, was also present.

Mr. Pagliarini noted that there is still no consensus or concrete plan for the traffic. He noted that the Town's traffic consultant is filing the Physical Alteration Permit for the relocation of Breakheart Hill Road, the center turn striping, and the relocation of Barnett Lane. He noted that integral to his client's plan is where the curb cuts will be and that the issue they are having is that there has been a discussion with the owner of the motel to acquire a corner of their property so

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that they can have a safe exit out. He noted that the owner of the motel is amenable. He noted that once they have the easement then they can make a final determination on the flow of traffic. He noted that it is not a good idea to approve the Master Plan without having the traffic nailed down. He noted that if they get the easement, there is also relocation of telephone poles.

Mr. Pagliarini noted that he received a phone call from staff last week informing him that the neighbors approached the Town Council complaining of noise, and failure to attend to certain things such as signage. He noted that the signs have been put up and that they are temporary. He noted that they have also put up a temporary boulder barrier moving everything about 100 feet away from the neighbors. He noted that these two things have been done in an effort to mitigate the noise, and submitted photographs showing the signs and rocks.

Mr. Pagliarini noted that he received the comments from the Town Planner and the Fire Department. He noted that he also received comments from the Conservation Commission and expressed concern that they weren't invited to attend that meeting to give a presentation.

Mr. Pagliarini asked for a continuance until next month's meeting or a special meeting. Chairman Ward noted it would need to be a date certain. There was discussion.

Mr. Boyer noted that there were a number of residents that wanted to speak about their concerns and referenced the letter that was submitted from the residents. Mr. Ward noted that the public will speak tonight, and that if there are other things that come up then the applicant can address it for next month.

Mr. Berry asked about changing the direction of flow through the diesel pumps and noted that last time it was stated that it was cost prohibited. Mr. Berry suggested an alternative to first get the trucks internal to the site, then have them loop around the pumps and come in the front so that they don't have to change the direction of the pumps but they can get the trucks into the site so they are not queued into the road. There was discussion. Mr. Berry noted that to him, one of the major issues is the trucks waiting to pull off Route 102 and stacking up. Mr. Pagliarini expressed concern that this project has become contentious and noted that there are 40 years of ills that this national company is trying to cure. He noted that they have addressed the stormwater issues. He noted that he finds it offensive that the Conservation Commission attached a California case after they went through the expense of putting safety pits under the pumps. Mr. Pagliarini noted that what is going to make this project better is its completion, noting that once Breakheart Hill Road is moved, the parking lot is in place, the third travel lane is put in on Route 102, Barnett Lane is closed, and the berm is put in and the trees behind it are put in, that collectively it will be better than what is there today. He expressed caution that if they found out from a noise decibel study that they currently meet the standards with no berm, if the Board would say forget the berm and the trees. He noted there is danger in all this stuff and pointed out that his client is saying that they will bring in three thousand cubic yards of material and will plant three or four hundred 8-foot trees and a variety of species, and questioned where does it stop. He noted that there needs to be finality. Mr. Boyer noted that this is part of the process and explained that the truck stop is going through an alteration right now and that they need to come into more conformance than what was there. He noted that yes there is an obligation to the owners of the truck stop, but more so now there is an obligation to the people that live around it and if there are ills that need to be resolved, that is why we are here.

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Mr. Boyer asked where the 7-foot height of the berm came from. Mr. Alviti noted that he did topographic profiles from the site to the various residences to the west of the site. He noted that one of the reasons for a barrier is to break a line of sight between the source of the noise and the receptor of the noise. Mr. Alviti explained that they ran a profile and determined the height that the berm would have to be in order to break the line of sight between the emitter of the noise, which is the truck engine and the receptor which are the properties to the west. Mr. Boyer asked what the average height is of a truck cab and asked if the exhaust comes out the top. Mr. Alviti noted the main source of the noise comes from the engine itself. He noted that he has been in touch with several acoustic engineering companies and will have them come in to do a noise level study. He noted that he suspects that the site is already in compliance with the Zoning Ordinance. Mr. Alviti described the terrain and discussed the line of sight. He noted that they will be making the measurements to reaffirm this and the acoustic consultant will also look at the height of the berm. Mr. Boyer asked where the height of the berm came from. Mr. Alviti noted that there have been studies by the Federal DOT on the source of noise from idling vehicles and vehicles travelling on a highway. He noted that the main source is the engine compartment itself.

Mr. Boyer questioned that the representative from TA commented that there can't be any enforcement. He noted that he doesn't accept this and that if there is going to be a no-idle zone there has to be some form of enforcement. He noted that it should be the burden of the applicant. He noted it is good that the signs went up, but that there has to be some way to hold accountable the people who are violating it.

Mr. Pagliarini noted that the Zoning Board had discussion about planting on the berm versus behind the berm. He noted that the taller the trees are the better the sound deadening. He noted that internally they discussed planting rhododendrons on the top of the berm.

Mr. Alviti noted that there will be more thought put into it as the more detailed noise study is done for the Preliminary Plan. He noted that TA is committed to do whatever they have to in order to meet the zoning regulations, which is all they should be asked to do. He noted that if you can hear an idling engine from a distant location, it doesn't necessarily mean that anyone is in violation of any ordinance. He noted that in accordance with the ordinance, they may have the right to do that.

Mr. Boyer asked about the enforcement of the no-idling law. Mr. Alviti noted that the rocks have been placed along the line of the no-idle zone and noted that there are no vehicles parked there right now.

Mr. Regan asked what the schedule and the scope is for the acoustic evaluation. Mr. Alviti noted they are receiving proposals now and will be assessing them this week. He noted they are going to try to have the initial noise level study before the next Board meeting. Mr. Pagliarini noted that they are going to try to distinguish the ambient noise from route I-95, Roch's, and Arnold Farm Road. Mr. Pagliarini noted that they are also trying to get much larger trees.

Mr. Bryan noted he is looking for regulatory compliance and reiterated what Mr. Boyer said about the process. He noted it is a challenge for all of us and that the improvements are going to

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increase traffic beyond what they've experience and the implications of that are what the Board is trying to understand. He noted that the Board wants to be sure that the development occurs in the best way for everyone involved, and particularly for public safety. He noted that if he had understood the issues of the placement of the fueling stations before they went in, we wouldn't be having a lot of these conversations. Mr. Pagliarini noted that he understands the process and expressed that what has been exasperating is the dependence on people he has no control over, such as the Town's traffic consultant and the motel owner. He noted that he likes to see progress and that this project has already imposed betterments that the Board has never imposed on anyone else, such as relocating the road. He noted it is a win for both of us, but noted it is a major undertaking.

Mr. Ward took comment from the audience.

Mr. Joe Sipolski, 3 Catherine Wright Ct., noted he started attending the meetings in June and asked about the two options of an earthen berm and a sound wall. He asked how the decision was made, and asked how do the citizens know if a wall wouldn't be twice as good as a berm. Mr. Ward noted that the residents can get together and hire their own sound study. Ms. Paquet explained that a sound study had not been submitted for the Zoning Board meeting, and noted that it was presented to the Planning Board at the August meeting by Mr. Alвити about the difference between a wall versus a berm and that it came from the Federal Highway Administration. Mr. O'Loughlin noted that Mr. Alвити testified that a berm is a better sound barrier than a wall. Mr. Regan noted that the acoustic expert will be able to address this. Mr. Bryan noted it has only been proposed, not accepted, and noted that they are going to complete the process. Mr. Pagliarini pointed out that the Zoning Board did say 'berm' in their decision. He noted that a berm is also more in the rural character. Mr. Ward noted that the study will verify whether the berm is the right way to go, and noted that it is not definitive from this Board at this point in time and that the Board is going to get the data to support the function.

Ms. Karen Pelletier, 37 Catherin Wright Court, expressed that she feels that the cart came before horse in this case because the Zoning Board approved a Special Use Permit to allow the property to be used for trucks as a non-conforming use without substantial evidence that it has not adversely affected neighboring properties use and enjoyment and property value. She noted that she has brought this up at all the meetings. She noted that they believed that a legitimate sound study was going to be done to evaluate the impact to off-site properties and expressed that they were disappointed when they saw what was done. She noted there were incoherent sentences and no actual elevations. She noted they were lead to believe that they were going to do a cost-benefit analysis and that they were evaluating the terrains. She noted that they haven't seen any actual data on this. She asked if there should be a scope predetermined and some approval by the Town to make sure that it is going to be a legitimate sound study by someone who is actually qualified or an expert in sound. Mr. Ward noted that the applicant's attorney has stated that they are going to get an acoustic company who will have to present their credentials to this Board in order to be accepted. He noted that the applicant has stated that they are looking for something that is functional, and not just functional on their behalf. He noted that if the residents want to question that they will have to hire their own consultant to review the findings.

Ms. Pelletier asked if, in addition to meeting the Town's noise ordinance, the Town has the responsibility to make sure that whatever is approved doesn't adversely affect the neighbors' use

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and enjoyment and property value. She noted that Zoning Board said the sound abatement is whatever the Planning Board decides. She noted that the noise is awful at night. Mr. Ward noted that the terms being used are from the Zoning Board's standards, not the Planning Board. He noted that the Board does have responsibility and does take into consideration the comments and concerns but that the Board also has constraints with the regulations as to what needs to be followed. He noted that the Board is going to allow the applicant to submit data and that if the residents want to get experts to testify contrary to that that is their responsibility. Ms. Pelletier expressed that she doesn't see how it's fair that the residents who have been living here have to pay money out of their pocket to protect their quality of life because the truck stop has expanded on property that wasn't previously zoned or had a special use permit. Mr. Ward noted that he understands but that this is the procedure.

Mr. Boyer asked if the applicant can provide the scope that they are obtaining from the acoustic experts, and noted that the Board would like to see the scope. It was noted to submit this to the Town Planner to distribute to the Board members.

Solicitor Ursillo noted that he wanted to say something about the Zoning Board decision. He noted that the Zoning Board imposed the no-idle zone, not TA. He noted it was a condition precisely because of the concerns of the noise that was input from the residents. He noted that the question about the enforcement has come up and that it has to be the owner. He noted that if the owner fails, the Town will be out there and the violations will follow. He noted that the Zoning Board put a whole list of conditions and that they do listen to what the residents say.

Ms. Pelletier noted that she appreciates the no-idling zone, but in reality it is not a cure-all. She noted that if it can be enforced it will help, but that it is not just idling and noted that there are also noises from the trucks travelling on the property. She noted it is two different sources.

Motion to continue to the October meeting. Boyer-Berry (5-0)

Advisory Opinion to Zoning Board for Dimensional Variance on Frontage

--AP 45, Lot 4-,1 currently non-buildable with 54.85 feet of frontage on Falls River Rd.

Associated Administrative Subdivision with land-locked Lots 4-24, 4-26, & 4-27

Location: corner of Falls River Road and Arthur Richmond Road (private road)

Lots proposed to be merged into one buildable lot with reduced road frontage on Falls River Road.

Applicant: Richard Dodson; Owners: Laurie Albro, Gary Malikowski, and Stanley Malikowski

Mr. Boyer recused himself.

Mr. Richard Dodson approached the Board. Mr. John Perry was present in the audience.

Mr. Dodson noted he understands that it will be one home if approved without any subdivision, and asked for the option to do an administrative subdivision to donate some land to the nature conservancy and asked for this to be incorporated into any restrictions. There was discussion. It was noted that the buildings would still need to meet the setbacks even if there was a future administrative subdivision.

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Mr. Ward took comment from the audience.

Mr. Ken LaRose, 139 Falls River Road, noted that Arthur Richmond Road is not a Town Road and asked where the access is. He noted he doesn't understand exactly what is going on. Mr. Ward asked Mr. LaRose if he has reviewed the application and explained that the applicant is merging all the lots into one lot to reduce the non-conformity and building one house. Mr. LaRose asked where the road frontage is. It was noted it is out on Falls River Road.

It was noted that there is about 55 feet of frontage on Falls River Road and it will be a total of 27.5 acres.

Motion to send a favorable advisory opinion to the Zoning Board for the merging of the lots AP 45 Lots 4-24, 4-26, 4-27, and AP 45, 4-1 into one lot to have access via the 55 feet of road frontage on Falls River Road, and that in the future an administrative subdivision can be allowed on this lot for open space only, and that the parcel shall be limited to one house only. Berry-Regan (5-0).

Mr. Boyer rejoined the Board.

Advisory Opinion to Zoning Board for Dimensional Variance on Frontage

--AP 58, Lot 3, currently land-locked

Associated Administrative Subdivision with AP 58 Lot 2-2 to gain reduced frontage on Bates Trail

Location: 142 Bates Trail

Associated Administrative Subdivision to provide land-locked parcel with reduced road frontage

Applicants/Owners: Ocean State Builders LLC (Lot 2-2) and David G. Tibbitts (Lot 3)

Mr. Regan and Mr. Berry recused themselves from this agenda item.

Attorney John Brunero approached the Board. Mr. Nate Lauder, PLS from Cherenzia was present. Mr. Frank Paolino Jr. of Ocean State Builders was also present in the audience.

Mr. Brunero noted that he has not conducted a title search on the property but that the surveyor has traced the deed back to the 1920's. He noted it is a landlocked piece of land and that it was created before zoning and that there appears to be no right of way or prescriptive right of way. He noted that the neighbor has enough land to contribute a 30 foot right of way from Bates Trail back about 500 feet to Mr. Tibbitts land-locked piece of land by an administrative subdivision.

Mr. Boyer clarified that they are making a non-conforming less non-conforming. Mr. Brunero confirmed that right now there is zero frontage and that Mr. Tibbitts will own it so that there will be one parcel with 30 feet of access.

Mr. Boyer asked if the Residential Compound provisions say that you cannot add a piece of property and if this administrative subdivision would prohibit any further development as a

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Residential Compound. Mr. Brunero noted it is one lot. Mr. Boyer asked if they are ok with the stipulation for one lot. Mr. Brunero agreed that it is a reasonable recommendation.

Mr. Lauder pointed out that the Planning Board saw the initial subdivision which was done earlier in the year.

Mr. Boyer noted it is a steep slope. Mr. Lauder noted it is about twelve percent for about four hundred feet. Mr. Boyer noted he is concerned with runoff and asked them to have something to capture the runoff so that there is not five hundred fifty-six feet of rain water dumping out onto Bates Trail. Mr. Brunero noted they are trying to work out some sort of sheet draining and a serpentine design. Mr. Boyer noted that when we did the other two lots that rain runoff was a concern and asked to have something done there.

Motion to make a positive advisory recommendation to the Zoning Board to approve the frontage relief on the application with the stipulation that Plat 58 Lot 3 can only be developed with one single family residence and that prior to a building permit being issued a site plan shall be submitted for review for the drainage. Boyer-O'Loughlin (4-0).

Mr. Berry and Mr. Regan rejoined the Board.

Minor Development Plan: Construction status, cont.;
Deadline to complete Extended to September 2014 meeting

“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 Commonwealth Engineers approached the Board. Mr. Behan apologized that Mr. Roch was sick this evening and that Mr. Jordan Russo, the COO of Roch’s is present.

Mr. Behan noted that he was here to give an update on the construction schedule, financing, and more information on the loading dock. He noted that a loan release is anticipated for December 1st. Mr. Behan noted that he thought for the loading there was going to be a dock that needed modifications to the building, but that is not the case. He noted it is a loading platform and that they want to drop the grade for a concrete slab and construct a retaining wall. He noted that there is a small landscaped island there that needs to be removed so they compensated for it by making a landscape island by the frontage larger. He noted that they have relocated a trash receptacle from the side of the building to the rear of the building. He noted there is no change in impervious surface and the same amount of parking spaces. He noted that it is all pitched to the catch basin.

Mr. Ward noted that the Board has already granted extension and that the Board’s patience is wearing thin. He addressed Mr. Russo and stressed that the Board is willing to cooperate with

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the businesses in Town, but that this has come down to the final hour on two occasions. He noted that the Board is looking for compliance on the deadline.

Mr. Behan noted the construction is probably an April start up with sixty days worth of work. Mr. Ward noted that the Board wants to see them back with the contract signed for the March Planning Board meeting.

Mr. Berry asked if there is a list of outstanding items. Mr. Behan noted about 30% of the work has been completed. There was discussion. Mr. Behan submitted the plan he brought this evening for the record. It was noted that the plans will need to be submitted as an application. The Board reiterated for Mr. Russo that the Board wants to see this in March with a signed contract with the contractor.

Motion to continue the matter until the March 16, 2015 meeting, and that this is the final continuance and the Board is going to expect to see a timetable for when the construction will take place and the signed contract with the contractor who will perform the work, and that this information is to be submitted prior to March 16th. Boyer-Berry (5-0).

Minor Land Development Project: Final Plan/ As-Built of drainage and Request to Release Performance Bond

“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.

--Review and Vote on Decision; consider request to release performance bond

Consulting Engineer for the Town, Mr. Dan Cotta, PE, PLS of American Engineering was present.

Mr. Hermond Ghazarian was present along with Mr. Paul Surabian of Douglas Construction.

Attorney Nicholas Gorham for the Robinsons was present along with Mrs. Robinson.

Mr. Ghazarian noted that he thinks that they are at the stage where the job is completed to the satisfaction to all parties.

Mr. Boyer asked how the pond worked with the big rain storm. It was noted that there was one big rainstorm of 5 inches. Mr. Cotta noted that it worked great. Mr. Ghazarian noted that there was about a foot of water in the original basin and that within 24 hours it was dry. Mr. Boyer noted that was due to removing that restrictive layer.

Mr. Ward referred to Mr. Cotta’s memo dated September 5, 2014 stating that it is ok to release the bond.

Mr. Gorham thanked the Board for keeping this on the agenda. Mr. Gorham noted that they don’t have an expert engineer and that they are relying on the expertise of the Town to judge the efficacy of what’s been done. He noted that he wants to put on the record that there are some things that he doesn’t think the Board has jurisdiction over. He noted that compensation to the

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Robinsons for the damages to their home is still under negotiation with the insurance carrier. He noted that by not objecting tonight they are not saying that everything is ok.

Mr. Gorham asked about the size of the trees along the border and noted that the Robinson's were of the impression that what was going to be there was going to be more of a visual screen. There was discussion. Ms. Paquet retrieved the approved landscape plan.

The Board held a five minute recess and reconvened at 8:25 p.m.

Mr. Gorham reviewed the landscape plan. Mrs. Robinson noted that she thought there was going to be spruce trees and more privacy along the berm and around the pond down near her house. Ms. Paquet pointed out the plant sizes from the list on the plan showing two gallon and one gallon size shrubs around the bottom of the pond. It was noted that the bigger trees were planted at the top of the pond. Ms. Paquet pointed out that the plantings on the top of the pond are staggered in a line instead of being grouped like shown on the plan. There was discussion.

Mr. Ghazarainan noted that there are actually seven extra trees that were planted compared to the plan to help create a buffer, but that it will take a bit of time for them to become full size. Ms. Paquet noted that there were some two gallon chestnut oaks planted last year that were supposed to be 2 inch caliper that had the same call out on the plan. Mr. Surabian noted that they did a new planting this year and left those two-gallon plants in place from last year, and did add the 2 ½ inch caliper trees. He noted they also added about half a dozen pine trees and also put them in a line to try to do the best job to block the view. He noted that they mixed them up to try to be like a forest.

There was discussion. Mr. Gorham noted that there isn't much of a visual screen there and that he thinks the Robinson's were expecting something different. There was discussion. Mr. Cotta explained that they couldn't put trees on the berm because it is not allowed by DEM and the roots cause havoc. He noted it was more effective to move them to the top of the hill and explained why there are low lying bushes on the berm. Mr. O'Loughlin asked how tall the trees are. It was noted that they are about 8 to 10 feet tall.

Mr. Ward noted that this issue has come up and to make sure that what's been done in accordance with the plan he wants to go out and see it. It was noted that Mrs. Robinson can see the building from her house.

There was discussion on the bond reduction. Mr. Surabian noted that they have literally put in more plantings than the plan called for and expressed concern about meeting expectations. Mr. Ward noted that he wasn't aware that this concern existed and to do due diligence the Board needs a little time. He noted that if he knew about this before he would have gone out there to look.

Motion to release all but \$4,000 of the bond to hold for the landscaping and to release the remainder administratively after the landscaping has been verified. Boyer-O'Loughlin (5-0).

There was discussion on the final approval.

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Motion to grant Final Approval to the Coast to Coast Fullfilment Phase 2 building addition, site work, landscaping, drainage, and site stabilization, for AP 24, Lots 19 & 20, with the following conditions:

1. A Final Site Layout Plan shall be recorded, to show the building footprint, updated drainage features and easements, septic system, parking lot layout, curbing, no-cut buffers, and other pertinent features from the original Site Layout & Utility Plan (sheet 2 of 6 from the approved Preliminary Plan set). This plan shall also include the relevant Drainage Maintenance program notes, which shall be updated if needed due to the changes made to the drainage system since the Preliminary Plan approval.
2. A Stormwater Maintenance Agreement between the owner and the Town shall be signed and recorded.
3. The subdivided parcel of Lot 20 shall derive access through a common driveway with Lot 19, and such deed restriction shall be recorded in the land evidence records and annotated on the administrative subdivision plan.
4. A follow up inspection shall be performed for the landscaping in one year from now. Any dead or non-thriving plantings shall be replaced and include a two-year warranty.
5. A follow up inspection shall be performed on the drainage system by an engineer one year after the date of the as-built.
6. A permanent Certificate of Occupancy may now be issued.
7. Subject to the final landscaping approval for the bond within the next thirty days.
8. Subject to reimbursement and replenishment for the Project Review Fees noting inspections are required one year from now.

This motion is based on the findings of fact from the draft decision. Boyer-Berry (5-0).

Minor Residential Compound Subdivision- Revised Preliminary Plan, Phase 2

“Finlandia Hollow”- Phase 2, AP 12, Lot 9-1

--off Robin Hollow Road

Owner/Applicant: William & Diane Langlais

Consulting Engineer Dan Cotta, PE, PLS of American Engineer was present for the Town.

Mr. John Rockwell, PLS of Coventry Survey Co was present along with Mr. and Mrs. Langlais.

Mr. Rockwell presented the plan and noted that it is the same as the previous Preliminary plan submission with slight modifications on the end of the road to accommodate what the owners want to do. He noted that the private road will stop at parcel one and that two driveways will go from there to the two different dwellings. He noted that the size of parcel two has also been decreased. There was discussion. Ms. Paquet retrieved the original plan. Mr. Boyer noted that there were a number of stipulations on the subdivision because of the drainage. Mr. Langlais said that it was for erosion but that it is not interfering with anybody's lot but his own. It was noted that the Board needs to look at the approval. It was noted that the plans were supposed to be revised to address some engineer comments, but that these plans today have been modified from what those original plans were. Ms. Paquet noted that one of the conditions of approval was to have each lot submit a site plan for drainage and that it not affect the abutters. There was discussion on the previous conditions. It was noted that it has to be addressed by an engineer.

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Ms. Paquet noted that right now the required site plans call for the 100 year storm and asked the Board to consider reducing that and to see what the engineer's recommendation is. Mr. Cotta noted that the 2010 Stormwater Manual addresses up through the 100 year but does not require the volume calculations that the Town does. He noted that if they went with the 2010 manual, there is a recharge component, and water quality, and channel protection for 10 year storm, and controlling the 100 year storm so that it is diverted away from other houses. He noted this is probably the regulation that they should follow. He noted that they can't use the condensed single family house regulations. There was discussion on building one single family home. It was noted that it is a Residential Compound roadway. It was noted that it needs to be the Fire Marshall's standards. It was noted to get the Fire Chief's comments on the radius.

Mr. Cotta noted that the previous Preliminary Plan had some comments that needed to be addressed.

PLANNING PROJECTS

- Consider Draft Amendment to Land Development and Subdivision Regulations to increase Maintenance Bond amounts.

Mr. Cotta was present. There was discussion. It was noted that every other Town is fifteen percent and Mr. Cotta suggested looking at what the other Town's say in terms of allowing pavement or what is in place to fix it. There was discussion on increasing the percentage to a fixed percentage.

Mr. Bryan suggested that if the standards are RIDOT standards there should be the same testing.

- Review of List of Outstanding Projects

It was noted to put wind power on for next month's agenda.

REPORTS AND SPECIAL ITEMS

Ms. Paquet reminded the Board of the upcoming Village Development Workshop in October.

Ms. Paquet discussed a proposal in East Greenwich which a Master Plan meeting notice was received. The Board had no comments.

ADJOURNMENT

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

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PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, October 20, 2014. Present were: Chairman Brad Ward, Secretary Tim Regan, David Berry, and alternate Brian Wallace. Vice Chairman Tom O'Loughlin, Mark Boyer and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

September 15, 2014 Regular Meeting

Minor Amendment (CA)

Minor Amendment to Major Land Development: Preliminary Plan

"Automobile Repair Facility" – AP 1, Portion of Lot 4-3

(formerly 'Firestone Tire')

--on Centre of New England Boulevard

-Proposed amendment to modify access road /change in construction phasing

Owner/ Applicant: Matthew J. McGowan, Receiver for Commerce Park Realty, LLC at Salter McGowan Sylvia & Leonard;

Applicant: Guggenheim Retail Real Estate Partners, Inc. (c/o Kyle Gibson)

Motion to remove the Minor Amendment to the Major Land Development Preliminary Plan off the consent agenda. Berry- Regan (4-0)

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

Minor Amendment to Major Land Development: Preliminary Plan

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Applicant: Guggenheim Retail Real Estate Partners, Inc. (c/o Kyle Gibson)

Attorney Nicole Martucci, of Kelly & Mancini, approached the Board representing an abutter, Graceco, LLC.

Ms. Martucci explained that she is here to place an objection on the record as it pertains to an amendment to the Preliminary Plan, as well as to the Preliminary Plan in general which was approved in September of 2010. She noted that the objection to the amendment is that Graceco, LLC contends that the application qualifies as a major amendment to the plan under the Land Development and Subdivision Regulations for the Town. She noted that a public hearing is required and public notice is required, which was not produced. She explained that the Land Development and Subdivision Regulations qualify that a major change to the Preliminary Plan as

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one that may negatively impact the adjacent properties, or properties in the vicinity of the development property. She noted that the amendment on the floor tonight is one that would take the construction of a four lane access road and divide it into phases. She noted that this would prolong the construction and perpetuate a longer nuisance to the adjacent properties and to the property owners than the preliminary plan initially anticipated. She noted that the ongoing nuisance of construction would adversely impact the use and enjoyment that the property owners abutting the property and in the vicinity of the project are due. She noted that that adverse impact constitutes a major change. She noted that a major change would require notice to the abutting property owners. She respectfully requested that the amendment be denied, or the decision on the amendment be held until the appropriate public notice be distributed to interested parties and a public hearing be held.

Ms. Martucci noted that as the objection relates to the Preliminary Plan in general is a clear violation of the performance standards. Town Solicitor Ursillo interjected and pointed out that that preliminary plan was approved in 2010 and that this Board has no jurisdiction to hear that objection. Mr. Martucci noted that the contention of Graceco, LLC that notice was sufficient as far as that special use permit hearing was concerned is certainly an issue for appeal. She noted that she considered it appropriate at this time to place an objection on the record as to the preliminary plan as it violates the Exit 7 performance standards.

Ms. Martucci reiterated that she wanted to place an objection on the record to the preliminary plan itself. She noted that limiting her discussion to the amendment, that the amendment itself would constitute a major change that would negatively and adversely impact abutting and adjacent property owners, and as such, it would not be considered a minor plan as the Town Planner suggested to the Board, and that public hearing and notice is appropriate.

Chairman Ward asked Ms. Martucci if her client is prepared to pay the portion of the increased road construction to build it out to full capacity. Ms. Martucci noted that her client wants to place the objection on the record. Mr. Ward noted that it seems to him that it is sufficient for that one business to utilize what they are proposing. Ms. Martucci noted it was not her client's preliminary plan. She explained that the preliminary plan anticipated the construction of a four lane access road to the subject property and noted that her client has an objection to the amendment. She noted that the perpetuation of the nuisance of construction is being prolonged by the proposed amendment by cutting it into phases rather than getting it done at one time. She noted that she doesn't think it is her client's responsibility to pay for a four lane access road that was proposed by another individual. Mr. Ward clarified that he was not asking to pay for the whole four lanes, just the amount beyond what the amendment is tonight to share the cost equally among the affected parties. Ms. Martucci noted if it was initially proposed by a particular individual, and the amendment was denied, then that individual should adhere to their initial preliminary plan that was approved back in 2010.

Mr. Ward asked Solicitor Ursillo to weigh in if this is a major or a minor amendment. Mr. Ursillo noted that he agrees with the Town Planner's analysis that it is a minor amendment.

Mr. Ward asked if anyone else would like to speak on this matter regarding the construction phasing.

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Attorney Matt McGowan, receiver for the Centre of New England, noted that he didn't receive any objection and that this objection is a complete surprise. He noted that the Superior Court Judge already approved this proposed modification.

Mr. Berry asked if what is being proposed is a two lane road versus a four lane road and questioned if whoever develops the next piece would do the rest. Mr. Ward noted however it is phased in that the Board can add a stipulation. Ms. Paquet noted that there have not been any buildings proposed there so there will be on-going construction for when the buildings get constructed. Mr. Ursillo noted that those applications will come before the Board and the Board will have that opportunity.

Mr. Berry asked if when the other two lanes eventually do go in, who will do it. It was noted that it can be worked out at the time.

Mr. Benjamin Caito, PE with Millstone Engineering, who worked on the plan, clarified that the applicant has no issue with a condition of proposing to build the two lanes upon further development of the adjacent properties. He added that there may be instances where a four lane road there may be overkill depending on the use that goes there. He noted that they do not want to restrict their options for future development of the property by building a four lane road if it is not needed. It was noted to add a condition that any future development needs to come before the Board.

Ms. Martucci pointed out that the amendment was for phasing, not for amending the preliminary plan to limit the access road to two lanes. She noted that the comment just made limiting the road to two lanes is not before the Board this evening. Mr. Ward noted that the Board needs a time-table or trigger to implement the second phase, and that the Board is looking for as far as a trigger is further development in that area or on adjacent lots. Ms. Martucci clarified that she wants the record to reflect that the amendment is for the phasing of a four lane access road, not for the development of a two lane access road. She reiterated that Graceco, LLC does have an objection to that amendment as well as an objection to the Preliminary Plan itself.

Motion to approve the proposed minor amendment to the previously approved Preliminary Plan entitled, 'Firestone Development,' at Assessor's Plat 1, Lot 4-3, prepared for Bismarck Real Estate Partners, dated December 2010. This approval is granted with the following modifications and with all the original conditions of approval as noted in the March 4, 2011 decision letter:

Modifications to approval:

1. That the amended plan is entitled, "Proposed Automobile Repair Facility," for AP 1, Lot 4-3, prepared for Guggenheim Retail Real Estate Partners, Inc., prepared by Millstone engineering, P.C., dated February 14, 2011, updated through September 19, 2014, consisting of sheets 1 through 14.
2. That the modification to the intersection is further detailed on a plan entitled, "Striping Plan," for Proposed Automobile Repair Facility Plat Map 1, Lot 4-3, prepared for Commerce Park Realty, LLC c/o Matthew J. McGowan, Esq., prepared by Crossman Engineering, dated September 2014, consisting of sheet 1 of 1.

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3. That the phasing to complete the road as identified in the previously approved preliminary plan is still in effect, and could be widened upon future development.

This amendment is based on the following findings of fact:

1. The proposed change does not result in the creation of additional lots for development.
2. The proposed change does not result in any change that would be contrary to any applicable provision of the Zoning Ordinance.
3. The proposed change will not have significant negative impacts on abutting property.
4. The proposed change has adequately addressed traffic flow.
5. The proposed change is consistent with the intent of the original approval.

Berry-Regan (4-0)

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

“Travel Centers of America” TA Truck Stop

Assessor’s Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18

--at 849 Victory Highway; Zoning: Highway Business

--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road

Owners/Applicant: TA Operating, LLC (Thomas M. O’Brien, President)

Attorney John A. Pagliarini, Jr. approached the Board. Mr. Peter Alviti, PE, from Hudson Place Associates, Mr. Robert Clinton, PE transportation engineer from VHB, Mr. Walter Fouche, Regional Construction Manager for TA, and Mr. Peter Ward of TA, were all present for the applicant.

Mr. Pagliarini noted that since the last meeting they have been trying to acquire an easement for the corner from the motel next door, and noted that they are proceeding now without the easement due to cost. He noted they are still open to it if it is possible.

Mr. Pagliarini noted that Mr. Peter Ward, Mr. Fouche’s immediate supervisor, was present this evening.

Mr. Pagliarini noted that a line of trees were recently installed of approximately 80 white pines and 80 Fraser fir in front of them. He noted that they ranged from 10 feet to 22 feet tall.

Mr. Pagliarini noted that for the noise study, they have selected a proposal and would like to wait because they are having construction on the service garage, and then septic system which can distort the numbers. He noted there are no leaves on the trees they will get a more true reading. He noted it would be around January or February. He noted that he received an e-mail noting the temporary rocks for the no-idling study which need to be pushed further back for the noise study. He noted that the berm will be constructed in the Spring, and the size will be dictated by the noise study.

Mr. Pagliarini noted he would like to have a discussion with Mr. Peter Ward about the direction of the pumps and electrification to reduce idling.

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Mr. Pagliarini noted that there are no objections to the draft motion from last month.

Mr. Pagliarini noted that the motel easement is plan B now, and that they can't move Breakheart Hill Road until the State approves the Route 102 plan. He noted that as soon as the weather breaks in the Spring and they have their approval, Breakheart will be realigned, the striping will occur for the third lane. He noted that they think that once that third lane is installed that a lot of the issues and conflict points go away.

Mr. Alviti approached the Board and noted that they have made revisions to two of the plans that were submitted and passed out revised sheets 3 and 4 from the Master Plan set. He noted that the changes were to note that the sound barrier size and composition is subject to be determined as part of the noise study. He noted that another change is in the notation of the vegetation to the west of the site to reflect the actual number and size of the trees that were planted. He noted that the third change is a change in the pavement areas around the pumps. He noted that they designed a new circulation plan that changes the exit from the south side of the property to the north side of the property and uses the entire southern portion of the property for incoming traffic. He noted that Mr. Clinton, their traffic engineer, will explain the circulation.

Mr. Alviti discussed the information for the Breakheart Hill Road that was transferred to the Town's consulting engineer and it was noted that additional information was requested. It was noted that a meeting of all the consultants and the Town needs to be had to go over this so that the Physical Alteration Permit can be submitted.

Mr. Clinton approached the Board. Mr. Clinton noted that they looked at an alternative plan to switch the entrance and the exit and showed this on the plan. He noted that they talked about striping the lanes as long stacking lanes and having cross stripes so that vehicles would pull up to the proper location. He noted that a lot of times they don't pull all the way up and that a lot of times after fueling there is also an issue with them pulling forward enough so that the next truck can get into position. He noted that a second pull up line would be striped in the back. He noted that there would be two stacking in each of the lanes and that this is basically the alternate plan that they have redesigned. Chairman Ward asked Mr. Clinton if his firm designed this. Mr. Clinton responded that he and Mr. Alviti have had discussions on the phone and e-mails back and forth to lay this out and that he has helped them tweak this design to include this reverse circulation pattern. Chairman Ward noted that he was there tonight and saw that all the trucks were facing out towards Route 102 and asked how things are changing around. Mr. Pagliarini noted that Mr. Peter Ward of TA will explain that. Mr. Clinton noted that you see different patterns at different times of day.

Mr. Clinton noted that he looked at the two proposed gas station accesses and noted that there was some discussion of combining them into one. He noted that the fueling truck needs the two access points because it would be impossible for them to make the u-turn and get back out the single entrance. He noted also campers need the two access points for their circulation. Mr. Berry asked if the telephone poles are going to be relocated. Mr. Pagliarini noted that once they have the Planning Board's approval, they will move whatever is in the way. Mr. Berry noted that this seems to be a major obstacle. It was noted that the discussion with the utility needs to begin now.

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Mr. Peter Ward, Senior Vice President of Construction for TA, approached the Board. Mr. Ward explained that TA is a chain of truck stops, with about 250 that they operate across the country. He noted that there is a TA site in Greenland, New Hampshire to the North and in Branford, Connecticut to the South on I-95. Mr. Ward addressed why the traffic flow can't be reversed and explained that his business is based on customer convenience. He noted that for his 250 sites drivers come in and head into the fueling lanes, fuel up and then going inside to pay for it, and then pull into the parking lot where they can park and take advantage of the trucker amenities inside. He noted that from TA's standpoint, they look at it from a function of what do the drivers want, and they want convenience. He noted that the second piece is from a safety standpoint and the reverse flow would have the same vehicles coming through the lanes from the back and some might exit after fueling, but the majority of them would want to park and rest and he can't imagine what kind of turning radius would be required to get that truck that is facing out of the fueling lanes to come back into the parking lot without further complicating the issue or causing even more of a safety hazard. He noted that this is why they have it heading in. He noted that TA recognizes that in a perfect world that the fueling lane would be moved back a bit. He noted that taking the circumstances for what it is and the investment they have made into the property, they look to the traffic engineers to help with what they can design here. He noted that they think the third turning lane is a big part of that, and the traffic flow that they are setting up will also be assistance. He noted that the fueling lanes can be drawn in for another length of a semi-tractor trailer and the operations people will provide expeditors during the rush hour so that after the driver fuels he pulls up and then goes inside to pay, so actually you'd have a third stack here. He noted that this has been their experience and they have sites around the country that have tight fits like this and they are doing much more volumes at those locations. He noted that one way they do that is to make sure they have the most up to date technology, such as the new dispensers they have on site now that provide the fastest fueling. He noted that he sees a real safety hazard if it is reversed. Mr. Ward acknowledged Chairman Ward's experience of seeing drivers come out the pumps from the back and noted that TA has a great respect for the general population of professional drivers, but that they know they have some cowboys out there. He noted that it is possible they are coming out that way because it is a short cut for them, or it is possible that they want to fuel up for a saddle tank on the passenger side, but they would discourage that behavior and they would have signage for that and will depend on their operations people to help them out.

Mr. Ward addressed electrification and noted that in the past there have been some government subsidized projects to allow drivers to plug in. He discussed two electrification companies and their type of electrification units and noted that they both went out of business, and that TA had to remove the units from their parking lots. He explained that he thinks the answer to this, especially in sensitive areas where idling is not allowed, is an actual battery unit that can be installed in the truck's cab. He noted this is an expense that the trucking companies have incurred for those people operating in that part of the country where there is particular sensitivity is required. He noted that he thinks this is the answer because right now they have no appetite to electrify TA's lots.

Mr. Pagliarini asked Mr. Peter Ward how he deals with three trucks fueling on the way out with none on the way in as the Chairman saw, which is plausible and can happen. Mr. Ward explained that they would handle that both with signage and would depend on their operation post just to explain to those drivers that that is not allowed. He noted that they have drivers that

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park where they are not supposed to park, pull in lanes that they are not supposed to pull in, and they do things that are not safe and sound. He noted that they have their operations folks being aware of what is going on and approaching those drivers.

Chairman Ward noted that he saw every pump had a truck facing out today, and so he thought that the traffic pattern had been changed, but he sees now that the plan is still pulling in. Chairman Ward asked Mr. Ward if he is confident that just pulling in with the lines drawn will not adversely impact Route 102, because this has been a problem. Mr. Peter Ward responded that he is confident because it is not a forecast or a prediction, but that it is based on experience. Chairman Ward noted that the trucks were backing out onto Route 102, which is our main thoroughfare through town, and causing traffic delays. Chairman Ward asked if there are going to be signs for no backing up and to stay in lane. Mr. Peter Ward stated yes and explained that TA's incentive is not only to satisfy this current condition, but drivers avoid places that have difficulty. He explained that if there is a difficult situation to get in and out of, the drivers tell the dispatchers that they are not going there. He noted that from a business standpoint they understand they have to make these things extremely smooth, and noted that one effort is putting up signs, and secondly to have supervision on site handling that driver who is out of whack.

Chairman Ward noted that there has been testimony from the TA employees that sometimes the truckers can be rather abusive and that telling them what to do turns into an issue. Chairman Ward asked Mr. Peter Ward if he is confident that the expediter will maintain the authority to keep the queuing in a satisfactory position. Mr. Ward responded that he thinks so, and noted that there are some drivers who don't care and that his people are trained to contact the authorities if that does happen.

Mr. Berry asked if after the truck fills up and they pull up to the next spot, do they then have to walk up to the main building or is there a shack out there for them to pay at. Mr. Ward noted it is in the main building and pointed to the pay point area. He noted that the majority of the fleet customers can pay at the pump. Mr. Berry asked if they will be instructed to go out and move the truck after the transaction. Mr. Ward stated yes and noted that some of their sites there is a PA system to ask the driver to move the truck.

There was discussion on setting up a meeting to have the Town's traffic consultant to review this.

Chairman Ward asked Mr. Ward if he feels confident that the truckers, after they fuel, will pull forward and then pay. Mr. Ward stated yes, and noted that is what his operation folks are responsible for.

Mr. Pagliarini noted that in conjunction with this plan, the Board is seeing a lot of half completed projects. He noted that once the third turning lane is on Route 102 it will remove a lot of the conflict because if the pumps are full, the trucks will sit in that turning lane without obstructing traffic on Route 102. He noted that this is the overflow and that they hope that the third lane can be done as soon as possible because he sees this as one of the most critical components of this whole development.

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Chairman Ward opened the meeting to public comments.

Ms. Karen Pelletier, 37 Catherine Wright Court, asked to have the plans that were submitted tonight available for public review. Ms. Paquet noted she will get reduced sized plans and post them on the website. Mr. Pelletier noted that she wanted to verify that she asked requested that the Board to review the scope of the sound study and asked if this is still the case. Mr. Pagliarini replied that he will give the Board a copy of the proposal for the Board to review to make sure it is what they want before the study commences. Ms. Pelletier requested that it is done worst case scenario, for the maximum capacity, and that measurements are taken at the right places. Ms. Pelletier expressed concerns about the integrity of the study and asked if the Town can hire a qualified consultant to review the scope of the study and maybe to witness the study to make sure it is done as required. Chairman Ward noted that he is sure they are hiring an appropriate professional, but that he will ask the Town Administrator about this. Mr. Berry noted that the sound professional's qualifications would need to be presented to the Board so that they could be qualified as an expert. Mr. Pagliarini noted that his client has selected a proposal and offered to bring in the consultant at the November meeting to be vetted. The Board accepted and noted to have the qualifications in to the Planner in advance of the meeting.

Chairman Ward asked Mr. Pagliarini about the note on the plan on the noise barrier being subject to need as determined by future noise study and explained that his understanding was that this was imposed by the Zoning Board and that they may need to go back and get an amendment from the Zoning Board. Mr. Pagliarini noted that they might, but that the Zoning Board said that the noise abatement is based on the Planning Board's direction. He noted he will leave it to the Town's Solicitor. Chairman Ward noted that the Board needs to make sure that they do not override the Zoning Board. Mr. Pagliarini understood.

Motion to continue to the November meeting. Berry- Regan (4-0)

Major Residential Subdivision: Master Plan Public Informational Meeting

“Bella View” – AP 28, Lot 25-1; Zoning: RFR-2

--off Stubble Brook Road: 2 new town roads and 36 house lots proposed with requested waivers
Owner: John Koszela, Jr.; Applicant: Soscia Construction Ltd. (Gregory, Douglas & Bruce Soscia)

Attorney John Brunero, Jr. approached the Board. Tim Behan, PE with Commonwealth Engineering was also present, along with Gregory, Douglas, and Bruce Soscia, applicants.

Mr. Brunero noted that the Board has previously had a site walk and noted the four frontage lots that were cut out of this parcel. He noted that they are proposing a 36 lot conventional subdivision on approximately 110 acres. He noted that all the lots comply with the Zoning Ordinance and that they are not requesting any variances. He noted there is a minor waiver requested for the road grade that Mr. Behan will discuss. Mr. Brunero noted that a Master Plan is a concept and if there is Board approval they will go forward to the next step of the necessary engineering.

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Mr. Brunero noted that all the lots will be serviced by onsite wastewater treatment systems and private wells. He noted that his client is aware of the Town ordinance regarding wells that no building permit will be issued on any site until such time that a well has been drilled and proven to be sufficient. He noted that they will go to RIDEM for drainage and knows that the regulations call for zero percent runoff to any adjacent property owners. He explained that the site slopes to the west and that the detention ponds are located that they will be able to prove that they will maintain all of their drainage on their property.

Mr. Brunero stated that they know about the fee for Stubble Brook Road and explained that back in 1997 the Town improved the road at its own cost and all future development were assessed based on the number of lots that could have been developed and that the fee is approximately \$1,800 per lot.

Mr. Brunero noted that the plans have been submitted to the local fire department and that the Fire Chief is looking for two cisterns, one in the vicinity of lot number 1 and the second in the vicinity of lot number 28.

Mr. Brunero noted that there is a cul-de-sac on the project and that they are not asking for a waiver on this as it is within the 1,200 foot requirement. He noted that the development is going to be phased in and that they have a proposal for a phasing plan for three phases and described the phases.

Mr. Brunero noted that there are wetlands on the property and noted that they have been flagged and verified by RIDEM.

Mr. Brunero asked Mr. Behan to address the requested waiver.

Mr. Timothy Behan, PE approached the Board. Mr. Behan pointed to the location for the waiver at the proposed roadway intersection on the plan. He noted that Road 'A' does not have a stop sign. He explained that there would be 7 feet of fill at that location to get a 2% grade and noted that he is requesting a waiver to go up to 4% just for the leg without a stop sign. Mr. Ward asked if Road 'B' will have a stop sign. Mr. Behan indicated that it will and it will meet the 2% grade. He noted that this was discussed at the TRC meeting. Ms. Paquet noted that there were no issues with this.

Mr. Behan pointed out the location of an existing cemetery on the property between proposed lots 11 and 12 and noted that a portion of it is on the Alton Jones property. He noted that there is a proposed 20 foot wide access easement from the street right-of-way down to the cemetery. Mr. Brunero noted he doesn't know if it is listed as a historical cemetery or not and that they will identify it, fence it off, and maintain access to it.

Mr. Behan discussed that he has taken a look at the sight distance for each of the proposed entranceways and noted that there is greater than 300 feet in each direction. He noted that for a traffic trip analysis, when this is fully built out with 36 homes there will be a peak hour increase of about 37 trips.

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Mr. Berry asked if Stubble Brook Road fund applies to these lots. Mr. Brunero explained that when the resolution was passed it took into consideration all of the possible development off of Stubble Brook and it was allocated on that basis.

Mr. Berry asked if the drainage easement is part of lot 12. Mr. Behan noted that there is a portion of it on lot 12 and a portion of it on lot 13. Mr. Berry noted that there is a large portion of the wetland on lot 10 and asked if there is any opportunity to take lots 8, 9, and 10 and combine them into two lots and asked the applicant to consider this. There was discussion on the drainage easements. Mr. Berry noted that what is left with lot 10 is so irregular with all the wetland. Chairman Ward asked the applicant to verify that lot 10 is compliant with the regulations.

Mr. Brunero noted that they can put restrictions in the deeds to make sure the lot owners are on notice about the wetlands.

Chairman Ward opened the meeting to comment from the audience. There were no comments.

There was discussion on a motion. The Board asked to have a motion drafted for next month's meeting. The Board asked to have something in writing from Mr. Cotta regarding the requested waiver.

Mr. Berry asked about the proposed phasing. Mr. Behan showed the proposed phases on the plan. There was discussion on the proposed phasing of the roads and of the lots.

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

Motion to have a 5 minute recess. Berry-Regan (4-0). The Board reconvened at 8:30 p.m.

Wind Power Ordinance

-discussion on current information and draft regulations/ model ordinance

There was discussion on height limits, setbacks, and noise. The Board asked to have a copy of the draft ordinance that was proposed in 2010 for next month, with notes on current thoughts.

Land Development and Subdivision Regulations

-proposed changes to Article VII Guarantees of Public Improvements

There was discussion on what the other Towns have. The Board asked to have drafts of the proposed changes ready for next month, and to include the State changes to slope.

Motion to adjourn. Berry-Regan (4-0). The meeting ended at 8:48 p.m.

WEST GREENWICH
November 17, 2014
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, November 17, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, and Mark Boyer. Alternates Brian Wallace and Bill Bryan were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo were present. Chairman Ward called the meeting to order at 7:05 p.m.

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)
October 20, 2014 Regular Meeting

Motion to approve the consent agenda. Berry-Regan (3-0) with Boyer and O'Loughlin abstaining.

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

"Travel Centers of America" TA Truck Stop
Assessor's Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18
--at 849 Victory Highway; Zoning: Highway Business
--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road
Owners/Applicant: TA Operating, LLC (Thomas M. O'Brien, President)

Attorney John A. Pagliarini, Jr. approached the Board. Mr. Pagliarini introduced the acoustic consultant, Mr. David Coate.

Mr. Coate, of 22 Bartlett Street, Pembroke Massachusetts, approached the Board. Mr. Pagliarini asked Mr. Coate questions about his qualifications. Mr. Coate noted his education and profession and submitted his Curriculum Vitae for the record. Mr. Coate explained the scope of the proposal for the noise study and noted that it involves measurement of noise and modelling of noise. He noted that there will be near-field noise measurements to find out the source levels at fairly close distance from the noise source of the trucks. He noted there will be a combination of multiple unattended monitoring locations in addition to close-up attended monitoring, in order to develop a pattern based on real measurement data. He noted that measurements normally don't give the whole picture and that is where modeling comes in. He explained that he uses a software program called CADNA, which is an internationally accepted environmental noise software program.

Mr. Coate put up a map of a noise CADNA model of the Fox Point area near I-195 and used it to discuss noise contour modeling, and noted that he is proposing to come up with a noise contouring map for this project. He noted this program is very accurate and that the idea is to couple the noise measurements and the modeling together. He noted that the noise contour map will give him a number of data points that he can compare with the local noise code and see if it does comply and by how much, and can use it to determine the heights and widths of noise barriers. Mr. Ward asked if he is able to assess the requirements in order to remediate the noise. Mr. Coate replied that's right. He noted that he has worked on many projects where they came

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back after the noise barrier was installed to take measurements of the performance and noted that this approach is very, very accurate.

Mr. Pagliarini noted that the ordinance requires measurements at the property line. Mr. Coate noted he would monitor at both the property line and at the neighbor's yards. Mr. Pagliarini asked if the monitoring cases are tamper-proof. Mr. Coate explained that the monitoring cases are very solid and padlocked. Mr. Pagliarini asked if the devices can pick up things like a leaf blower in someone's yard. Mr. Coate discussed attended versus unattended measurements, and noted he can address spikes of noise at the private yards such as leaf blowers. Mr. Pagliarini asked if ambient sounds can be isolated out. Mr. Coate discussed near-field measurements of I-95 and how the software can model it to see the effects.

Mr. Ward asked Mr. Coate if he will do a site visit. Mr. Coate noted he will have to be on site a lot to do the noise measurements.

Mr. Pagliarini asked if there is an effect if the site is under construction. Mr. Coate noted it can be a pain and that he would want to find windows where the construction noise won't affect the measurements.

Mr. Boyer asked if the devices take continuous readings over 24 hours. Mr. Coate noted that they do, and that they have proposed to take a week of measurements.

Mr. Ward asked Mr. Coate if he has been an expert witness in Rhode Island, considering he is from Massachusetts. Mr. Coate noted he has done a lot of work in Rhode Island, such as for the RIDOT and private companies. He noted that his credentials would qualify him as an expert witness.

Mr. Ward asked Mr. Coate if he is able to distinguish between the moving cars on I-95 versus the idling trucks on the site. Mr. Coate noted that this is the objective of the study to be able to discriminate precisely what that is. He noted that to do that he has to collect a lot of data. Mr. Ward asked if he can do the study if the neighbors don't cooperate. Mr. Coate noted he thinks so, just that he would have to figure out where to put the monitors so that it is representative of what people are experiencing, and noted it is to the neighbors' advantage to have the monitors situated relatively near them.

Mr. Ward asked the other Board members if anyone had any further questions, and opened the comments to the public. He asked the residents to put on the record whether or not they would allow the monitors to be put on their property, or if they wanted to think about it and get back to the Board.

Karen Peltier, Catherin Wright Court, noted she didn't have a chance to look at the scope of the noise study and noted it was sent out last minute. She noted that it seems more conceptual and that she would have liked to see more specifics approved by the Planning Board. Mr. Ward asked what those specifics would be. Ms. Peltier noted it should clearly state the objective and noted that it seems to her that they need to meet the noise ordinance at the property boundary, not in her back yard. Mr. Coate noted that the overall objective is to see if the facility complies with the noise ordinance at the property line, and if it does not, he would evaluate with the

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modeling software what mitigation is needed to comply. Ms. Peltier wanted to make sure that they are getting measurements and looking for compliance at the property line, and asked the Planning Board to get some more specific information about proposed locations and what conditions the truck stop is going to be operating at. Mr. Coate noted that the plan is to have a continuous log made at the facility in terms of what the actual operations are over the monitoring period so that they can correlate that with the data and also to find out if it was worse case and if not, by how much.

Mr. Boyer asked for clarification if the readings will be from 12 a.m. to midnight. Mr. Coate noted that the readings are taken 24 hours non-stop for every second. Mr. Boyer asked who is in charge of the log. Mr. Coate noted that he discussed with Mr. Alviti the idea of a log being kept at the facility so that they can correlate the noise data over the long term to the number of vehicles, and also to address the concern about how representative it is to the type of activity at the site. Mr. Alviti noted that TA already keeps a log of the number of vehicles on site 24/7.

Mr. Ward asked Mr. Coate to notify the Town Planner in advance of starting the study with a date certain. Mr. Boyer noted that there needs to be some coordination with the neighbors.

Ms. Peltier noted she will need to discuss with her husband whether they will allow the monitoring on her property. She noted that the concern with the noise is not only the trucks idling, but also the noise from the truck traffic on the lot as well. Mr. Coate understood.

Mr. Boyer asked if any of the noise mitigation will include the noise other than idling, and explained that there is a law that trucks can't idle. Mr. Coate understood and noted that the performance of a noise barrier is highly layout dependent, such as where the trucks are idling and where the trucks are making other noise and noted he doesn't know yet if a noise barrier will benefit all those situations. Mr. Boyer stated that he wanted Mr. Coate to be aware of this.

Ms. Peltier asked the Board to have an independent witness for the monitor readings. Mr. Coate noted that it is helpful to work with the neighbors and noted he is mainly interested in what people are hearing. Mr. Ward noted that Mr. Pagliarini objected to an independent witness, and explained that the Town may hire a consultant if it wants, and reserves the right to review it. There was discussion about the Wincheck Gun club sound study.

Ms. Peltier noted that at the last meeting there was discussion about the berm being contingent on the sound study and noted that the Zoning Board's decision specified a berm and noted that she doesn't think that the berm is contingent on the study.

Ms. Peltier cautioned about modelling and noted that she uses modelling for a lot of different things and that variables can be changed, and that there are assumptions. It was noted that the modelling will be based on data from the field. Ms. Peltier noted this is why she is asking about having the Town do an independent review of the work. Mr. Ward noted that he is not authorized to make that expenditure, but that he has put the applicant on notice that it may occur.

Mr. Steve Pezzullo, Catherine Wright Court, noted that the boulders have been moved and asked if this will affect the noise study. There was discussion. Mr. Pagliarini noted that they make

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sure prior to the noise study that the proposed edge of pavement is staked out. There was further discussion.

Mr. Joe Sipolski, Catherine Wright Court, asked how long the duration of the study is. Mr. Coate noted it will be a week. Mr. Pagliarini clarified that they will need one of every day because there are busier days than others. Mr. Sipolski noted that this was his concern because at previous meeting they have been told by the managers that they know that at certain days they are close to full capacity. He asked if how the noise readings of the low days affect the overall noise readings, and noted he is very concerned with the noise readings at maximum. Mr. Ward noted that the Board would be looking for compliance from the maximum readings. Mr. Pagliarini asked Mr. Coate if rather than doing seven days, if TA provided their daily logs if it would be better to do readings at the known peak times. Mr. Coate noted that they will do a statistical analysis of the data and that they will be able to report the maximum and find out how it relates to the level of activity at the site and how it relates to levels of future activity at the site. Mr. Sipolski stressed that the residents concern is the maximum level, even if it is only one day a week and noted he hopes that they are addressing the maximum levels.

Mr. Pezzullo asked if wind direction has an effect, and if it is a big effect. Mr. Coate noted it does and that it depends on wind speed and also how far the person is downwind. He noted that his preference is to avoid measurements under certain conditions such as during pouring rain and high wind speeds. Mr. Pezzullo asked if he can correlate the noise to the wind direction. Mr. Pagliarini asked Mr. Pezzullo knew which direction the wind affects him. Mr. Pezzullo noted it seems like it is loud sometimes and that the wind direction is coming from the truck stop towards the houses. Mr. Coate noted that wind direction was part of one of his previous studies and described the monitoring program which involved getting a phone call.

Mr. O'Loughlin asked Mr. Coate if this is the optimal time of year to conduct a noise study since the ground coverage is down. Mr. Coate noted that seasonal aspects of noise are what they are and noted that in the wintertime, people have their windows closed and that ambient levels drop outdoors because there is less human activity. He noted that there is perhaps less interference than there would be in the summertime, but that also there are different effects in the summertime because people have their windows down or people want to be outside so they are more bothered by that noise. He noted that it does not matter when you do the study.

Mr. O'Loughlin asked if he is going to make his own model based on base conditions today, with no berm and if he is going to come up with what he feels is necessary. Mr. Coate agreed.

Mr. Berry asked how he will determine where the measurements will be taken from. Mr. Coate noted that that has not been done yet and that it is a task that will need to take place.

Mr. Regan asked how putting monitors with the neighbors will be facilitated. Mr. Pagliarini noted he will send out a letter. Mr. O'Loughlin noted that he deals with assumptions in models and noted that the assumptions can affect the output. Mr. O'Loughlin addressed the residents and noted that if they can help out with notes and give him information like when the noise is louder and the date and time, it will make the model that much better. Mr. Coate noted that the model is force fit to the data.

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Ms. Peltier asked how the noise study is going to factor out the off-site noises. Mr. Coate noted it is a non-issue and explained that the model can take out the ambient noises and see the performance of just the truck stop.

Mr. Regan asked if would make sense to look at the data from the truck stop. Mr. Coate noted he would like to see it and know what is projected into the future. Mr. Pagliarini noted they will get him what they have.

Mr. Mike Madden, Breakheart Hill road, noted he has no objection to Mr. Coate accessing his property for the noise study.

Mr. Pagliarini noted there was a question about parking spaces and submitted a parking space plan. He noted that he has no knowledge about an automobile rest stop. There was discussion. Mr. Pagliarini stated that the parking lot that they are proposing meets the town requirements and that he doesn't think that they are overburdening the site with the intention of doing anything that is not required. Mr. Ward asked if the Zoning Official has reviewed the parking. Ms. Paquet noted that there needs to be differentiation between the uses that the floor area is really for truckers which already have parking spaces accounted for, and pointed out that the showers are definitely for truckers. Mr. Ward noted that there needs to be some sort of landscape plan. It was noted that they need to comply with the regulations.

Mr. Pagliarini commented on the conditions in the draft motion and noted he doesn't have problem with items 1 through 7, believes he addressed item 8, and requested the words 'if required' on item 9. There was discussion. Mr. Pagliarini objected to item 10, asked to omit item 11, and noted he is fine with item 12.

Mr. Berry asked if the automobile parking area is a separate auxiliary parking lot or if it is part of the parking area for the restaurant. Mr. Pagliarini noted it is for cars for employees and the Popeyes.

The Board moved on to the traffic study. Mr. Pagliarini noted that there was a technical review meeting.

Mr. Boyer asked Ms. Paquet if she has seen this parking plan before and if the applicant is submitting the parking plan tonight for Planning Board review. Ms. Paquet indicated that she has not seen it before.

The Board called for the traffic consultant. Mr. Bannon, traffic consultant with BETA Group for the Town, approached the Board. Mr. Bannon noted that he does not have any presentation and that he is here to answer any questions that the Board may have. Mr. Ward asked Mr. Bannon if he has reviewed the plan for the traffic patterns that the applicant proposes for the fueling of the trucks, the 61 parking spaces, and the fueling of the cars. Mr. Bannon noted he had and that he received the plan last Wednesday. Mr. Ward asked Mr. Bannon if he has had any technical communications with the applicant's engineer. Mr. Bannon noted he has not received anything from the applicant's engineer with regard to any studies that they have done. Mr. Ward asked Mr. Bannon if he had any coordination with the applicant that this was the plan that he feels as the Town's consultant will satisfy the requirements for health and safety aspects as far as the

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traffic goes. Mr. Bannon explained that this plan hasn't changed the concerns that were raised in his original study. He noted that there was one thing that was changed relative to the number of driveways to the convenience store and vehicle component of the project, but that his concerns with the truck stop and truck traffic still remain valid. Mr. Ward asked Mr. Bannon if there was a technical review meeting. Mr. Bannon noted there was a TRC meeting and noted that this was not the plan that was presented at that meeting. He noted that the plan that was presented at the October meeting is the plan that was presented at the TRC meeting with the reverse flow configuration. He noted that the current plan was forwarded by the Town Planner last week. Mr. Ward expressed concern that there hasn't been an agreement between the Town's professional and the applicant. There was discussion about the TRC meeting. Mr. Ward noted that the Board needs the Town's professional to be satisfied with what the applicant is proposing.

Mr. Robert Clinton, PE with VHB for the applicant approached the Board. Mr. Clinton noted the changes on the plan, being the removal of the telephone pole, the circulation pattern was reversed, and the striping. He noted that with an assistant out there during peak periods he thinks they can facilitate the volumes that they have because they can move people through there more rapidly and they will be able to fuel, and then pull forward, and then pay, so they have an expedited system during those peak periods. Mr. Bannon noted that the Town should have something in writing. Mr. Ward agreed and stated that the Town needs something in writing for the Town's consultant to review. There was discussion. It was decided that the Town's consultant will identify the information that he needs in writing to the Town Planner for the applicant's consultant to address.

Mr. Boyer noted item 9 on the list of conditions has to be done and discussed that item 11 would affect the sanitary wastewater system design.

Chairman Ward opened the meeting to any additional comments from the residents.

Mellissa Dano, Catherine Wright Court, noted that there was a question about the berm and stated that when the trucks park facing the houses that the light goes through her windows. She noted also that she will talk to her husband about whether to allow the noise study on her property.

Karen Peltier, asked if a rest stop would be a conforming use. Chairman Ward noted that it is not and that they are not allowed to do it and noted that Mr. Pagliarini was adamant that it is not a rest stop and that they are not able to advertise it as such. He noted that was based on the Planners comments and that it would be up to the Zoning Official.

Motion to continue to the December meeting. Boyer-O'Loughlin (5-0)

WEST GREENWICH
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PLANNING BOARD MEETING

Major Residential Subdivision: Master Plan Public Informational Meeting, cont.

“Bella View” – AP 28, Lot 25-1

--off Stubble Brook Road: 2 new town roads and 36 house lots proposed with requested waivers
Owner: John Koszela, Jr.; Applicant: Soscia Construction Ltd. (Bruce Soscia)

Mr. Boyer recused himself from this agenda item.

Attorney John Brunero approached the Board for the applicant. He noted that they were there last month and that the only issue that was outstanding was whether they were technically asking for a waiver from the 2 to 4 percent grade at the intersection. He noted that he does not believe that it is an intersection. He noted that the Town’s consulting engineer is ok with it. Ms. Paquet passed out the comments from Mr. Cotta, the Town’s consulting engineer.

Mr. Brunero asked for the fees to be paid at time of Building Permit, rather than upon recording. There was discussion.

Mr. Ward asked if the compliance of Lot 10 was verified. Mr. Brunero noted the stipulation can run with the decision and they can relook at it.

There was discussion on whether a waiver is needed. It was noted that it does not apply and that this would be based upon the information in the record.

Motion to approve the Master Plan entitled, “Master Plan Bella View” at A.P. 28, Lot 25-1 off Stubble Brook Road, prepared for applicant Soscia Construction, Ltd., and owner John Koszela, Jr., prepared by Commonwealth Engineers & Consultants, Inc. and Boyer Associates, dated 9/12/14, consisting of Sheets 1 through 5, with the following conditions:

1. Open Space and recreation fee to be assessed per lot at recording, due upon Building Permit issuance.
2. Stubble Brook Road fee shall be paid per each lot at time of Building Permit issuance.
3. The applicant shall reimburse the Town for the cost of the meeting notices to the abutters and the display advertisement in the Kent County Daily Times.
4. Follow Fire Chief comments for the Preliminary Plan
5. Perform test pits for the proposed drainage areas
6. Verify that proposed Lot 10 is compliant with the regulations.
7. Clarification by the Town engineer for where Roads A and B meet, that the memo shall be filed as a condition of approval.

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

Berry-Regan (4-0)

There was discussion on the name of the roads and the subdivision. It was noted that this can be done later and that it should be something historic.

The Board took a 5 minute recess and reconvened at 9:40 p.m.

Mr. Boyer rejoined the Board.

WEST GREENWICH
November 17, 2014
PLANNING BOARD MEETING

PLANNING PROJECTS

Wind Power Ordinance

- discussion on current information and draft regulations/ model ordinance
- recommendation to Town Council on Amendment to the Zoning Ordinance

Motion to table the wind energy. Berry-Regan (5-0)

Land Development and Subdivision Regulations

- proposed changes to Article VII Guarantees of Public Improvements
- set public hearing date

There was discussion on the proposed language. It was decided to make the maintenance bond for projects that complete all the improvements on those sensitive items upfront that are typically completed after the houses are constructed to 25% on just those items, and to keep the required 15% maintenance bond on all the other items.

For the steep slope item to comply with the changed state law, it was decided just to strike the section about slope from the list of unsuitable land that is subtracted from the minimum lot size and re-number accordingly.

Motion to set a public hearing date for the January meeting. Boyer-O'Loughlin (5-0)

ADJOURNMENT

Motion to adjourn. Boyer- Berry (5-0). The meeting ended at 8:55 p.m.

WEST GREENWICH
December 15, 2014
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, December 15, 2014. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:10 p.m.), Secretary Tim Regan, David Berry, Mark Boyer, and Alternate Bill Bryan (7:40 p.m.). Alternate Brian Wallace was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Amy Goins were present.

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

It was determined that there was a quorum.

CONSENT AGENDA

Acceptance of Minutes (CA)

November 17, 2014 Regular Meeting

**Request for Bond Release and
Recommendation to Town Council for road acceptance (CA)**

Hoxsie Farms- off Robin Hollow Rd.

Motion to remove both items off the consent agenda. Boyer-Regan (4-0)

Mr. Boyer noted three typos for correction in the minutes. **Motion** to approve the minutes as amended. Boyer-Berry (4-0)

Motion to continue the Hoxsie Farms bond item to the January meeting. Boyer-Regan (4-0)

OLD BUSINESS

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

"Travel Centers of America" TA Truck Stop

Assessor's Plat 48, Lots 2-3 & 2-5, Plat 49 Lots 2 & 3, and Plat 13, Lots 17 and 18

--at 849 Victory Highway; Zoning: Highway Business

--Expansion of Truck Stop consisting of improvements to the truck stop facilities and site, expansion of truck parking lot, and relocation of Breakheart Hill Road

Owners/Applicant: TA Operating, LLC (Thomas M. O'Brien, President)

Attorney John A. Pagliarini, Jr. was present for the applicant along with Robert Clinton, RPE with VHB and Peter Alviti, PE with Hudson Place Associates.

Mr. Paul Bannon, traffic consultant with BETA Group on behalf of the Town was also present.

Mr. Pagliarini called Mr. Clinton to discuss the queueing study.

Mr. Clinton noted that he obtained historic transaction data from TA and noted that they average 12 fueling transactions per hour. He noted that the maximum transactions were 19 per hour. He explained that he went out and observed on a Tuesday, which is historically the highest day of the week. He noted that he observed the transactions and the duration of the transactions, and

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noted that in the peak hour he observed 14 trucks fueling and 16 trucks bypassed the pumps and went to the parking area. He noted that he noticed that the two southern most fueling positions were underutilized, likely because of the heavy vegetation on the corner. Mr. Clinton noted that the largest number of vehicles queued at one time was seven and that they have proposed for 10 positions to accommodate queues on the site. He noted that 8 trucks will be accommodated in the north four bays, and there will be one in the fifth pump from the north and another one in the southern most position upon exiting, for a total of 10 positions.

Mr. Clinton noted that there will be striping for the trucks to pull forward for trucks that can't pay at the pump, and he noted that during heavy times the attendant will instruct the trucks to move forward. He noted that there are also 'Do Not Enter' signs proposed for the back side of the canopy.

Board member Tom O'Loughlin arrived at 7:10 p.m.

Mr. Clinton continued to discuss the 10 fueling positions and noted that the tenth one is exiting the site. He noted that based on this he feels that they can accommodate the historic queues that are experienced out there.

Mr. Pagliarini asked if the striping can be done now or if it is too cold. Mr. Clinton noted it probably wouldn't last. He noted that one of the biggest things is that the pole also planned to be removed. Mr. Alviti noted that he has National Grid and Verizon working on it and that they are going through the process now of drawing up a contract. Mr. Berry noted that this seems to be one of the key ingredients to get rid of that pole because it messes up the queuing. Mr. Alviti noted that TA also wants that pole gone.

Chairman Ward asked Mr. Bannon to speak.

Mr. Bannon noted that he took a quick look at the information that was provided to him and noted that the findings were consistent with his findings from the original study. He noted that VHB has made recommendations to mitigate the condition, noting that the pole will be a major component. He noted that he can work through the signage and striping with them on the Preliminary. He noted that getting trucks out of the fueling bays when they pay is a betterment, as are the removal of the pole, the commitment to having on-going control of that pull-ahead condition with staff, and the long-term commitment to move the fueling facility further into the property when the time is appropriate for replacement.

Mr. Ward asked Mr. Bannon if the striping is of limited value due to the existing conditions. Mr. Bannon concurred that the pole stops them from doing that.

Mr. Bannon gave an update on the Physical Alteration Permit application with the RI Department of Transportation and noted that it is being reviewed by the department and that there were three comments that are being addressed and that he expects a permit in about a month. Mr. Bannon discussed the three comments.

Chairman Ward asked Mr. Pagliarini if he had anything else to add.

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Mr. Pagliarini noted that the noise consultant has started modelling to do the noise study. He also noted that they moved the rocks back to the no-idle zone line. He stated that the rocks will be there during the noise study because this is a no-idle zone and because the industrial performance standards of the town noise ordinance exempt from any noise study moving vehicles through. He noted that shifting and breaking of vehicles going through that area are not a consideration according to the local ordinance.

Chairman Ward asked if TA agrees with the no-idle zone in that portion. Mr. Pagliarini agreed and noted that the Zoning Board imposed it. There was discussion about the no-idle zone.

Mr. Berry asked when the noise study will be presented. Mr. Pagliarini noted he is thinking of coming back and ask the Zoning Board to remove the berm if they meet the current standards. He noted that the pile of dirt is a six-figure pile of dirt and if it is not warranted due to the findings of the noise study they are going to ask that the berm be removed as a condition. He noted that the findings should be in by the February meeting.

Ms. Paquet pointed out that Mr. Pagliarini just made a comment about moving vehicles being exempt and noted that she questioned this in her September 15th memo and read her comments, "While transient noise of moving sources such as automobiles, trucks, and airplanes are exempted from the performance standards, I believe this pertains to truly transient sources such as on the roads, and not to trucks moving around within a single property, which could indeed implement sound controls." It was noted that the Town Solicitor will need to render an opinion on this.

Mr. Berry asked about Mr. Tacey's memo and the 11 parking spots. There was discussion and it was noted that it would be up to the Board.

Mr. Berry asked about the Town road re-alignment and the turning lane and who is responsible to do this. It was noted that the Town submitted the application to speed up the process. Mr. Pagliarini stated that the hope is that RIDOT will pick up some of the costs on the turning lane.

Mr. Berry asked if the truckers need to go inside to pay and if there is anyway to have someone be aware of what is going on outside to keep the trucks moving. It was noted that there is a video camera.

Chairman Ward opened comments to the public.

Mr. Joe Sipolski, Catherine Wright Court asked if the Town is going to be responsible for the center turn lane and asked why it goes all the way up past Breakheart Hill Road. He noted this will invite trucks go down Breakheart Hill Road. Mr. Bannon noted the center turn lane goes into the businesses along that stretch and is good design to end it at Breakheart Hill Road. Mr. Sipolski's objection was noted.

Mr. Ward asked Mr. Bannon to talk about the center turn lane. Mr. Bannon noted it will end at the relocation of Breakheart Hill Road. Mr. Ward noted that trucks continually turn down Breakheart Hill Road now, and explained that Mr. Sipolski's concern is that trucks will continue to pull up the center turn lane and pull into Breakheart Hill Road. He asked if there is a way,

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such as through signage or reducing the turn lane before Breakheart Hill Road to avoid attracting trucks to turn down Breakheart Hill Road. Mr. Bannon responded that the concern seems to be related to the existing location of the road, and pointed out that shifting the road 300 feet to the North and separating the convenience store will separate the truck traffic further to the south. He noted that the truck traffic will be confined and clearly identified. He noted that there could be a 'local traffic only' sign easily added to the plan.

Karen Peltier, Catherine Wright Court, noted that meeting the noise ordinance is two separate issues. She noted one is about adversely affecting her use and enjoyment and the other is also meeting the noise ordinance. She noted that she's testified at the Zoning Board meeting that their use and enjoyment is already being impacted and that was why the Zoning Board put in the decision to have the berm there and maybe something more. She noted that the purpose of the sound study was not supposed to be whether or not we needed anything at all, but whether or not what they were proposing was going to be adequate enough to reduce the sound levels so that the properties were not adversely affected. Chairman Ward noted that the applicant will need to go back to the Zoning Board in order to alleviate that, and it would take a public hearing. He noted that at this point the Planning Board is bound by the Zoning Board decision. Mrs. Peltier noted that the Zoning Board decision also said it was subject to whatever the Planning Board wanted. Mr. Boyer noted that this is why the sound study is being done. He noted that we need to know what the results are and that the Board can't put a band-aid on it now until they know what the injury is. Chairman Ward noted that there are also standards to go by. He noted that he will listen to her concerns but that she needs to understand that there are rules in place with thresholds established for her protection and also for the businesses. He noted that unfortunately, sometimes they aren't in one or the other's best interest.

Mrs. Peltier noted she is interested in what the Town's legal counsel has to say regarding the noise ordinance and the interpretation as to transient sources, and that the sound study shouldn't be done before that. Mr. Ward noted that the opinion should be resolved by the end of the day tomorrow.

Mrs. Peltier asked about having an independent party witness the noise study readings. Mr. Ward noted that the applicant has hired a professional with credentials and that people with credentials are subject to scrutiny and trustworthy standards. He noted that if the Town can't go through with it, there is nothing stopping the residents from having their own review. Mrs. Peltier noted she thought the Board was going to ask the Town Council if they could hire someone. Mr. Ward noted he can ask the Town Administrator, but that the Planning Board has no authority to hire someone and spend Town tax dollars. He noted that she can talk to the Town Council. Mr. Ward reiterated that people with standards are held to a certain level of competency and they have to present valid reports and valid estimates.

Board member Bill Bryan arrived at 7:40 p.m.

Mrs. Peltier noted that she spoke with her husband about the noise consultant going on her property and they agree as long as there is proof of liability insurance and that they know when they are coming and going on the property. Mr. Ward noted that this is not something that the Board handles. There was discussion on how to facilitate the communication for that. It was

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noted to have the concerns go to the Town Planner, and that she will get them to Mr. Pagliarini, and that he will talk to the consultant.

Mr. Steve Pezzullo, Catherine Wright Court, asked for clarification about the trucks moving in and out of the no-idle zone and whether the trucks stopping and starting will be omitted from the sound study. Mr. Boyer noted that we don't know that yet and that we are going to get clarification from the Town Solicitor on what the intent of the ordinance is.

Chairman Ward asked if there were any other concerns. No one spoke.

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

Motion to take a five minute recess. Boyer-O'Loughlin (5-0)
The Board reconvened at 7:50 p.m.

Chairman Ward noted that this is a Master Plan approval and that there will be other hearings before the Board for the Preliminary Plan. Chairman Ward entertained a motion.

Motion to approve the revised Master Plan for the TA Truck Stop for the renovation and expansion of the truck stop property and the relocation of Breakheart Hill Road as proposed on that plan set entitled "Major Land Development- Master Plan," prepared by Hudson Place Associates, prepared for TA Operating, LLC for property located at 849 Victory Highway, dated May 2014, revised through 12/08/2014 as indicated on Sheet 4 of 8 (sic), and consisting of sheets 1 through 7.

This motion is granted with the following conditions of approval:

1. The applicant submit Landscaping Plan prepared by a Registered Landscape Architect as part of the Preliminary Plan to meet the landscaping and buffer requirements along the streetscape, and within the truck parking lot on Lot 2-3, and any other new parking areas.
2. The applicant submit a Noise Study and recommendations at the Preliminary Plan review stage demonstrating the proposed abatement meets or exceeds the Operating Performance Standards of the Zoning Ordinance and demonstrating that the abatement anticipated in the Zoning Board's decision granting conditional approval for a Special Use Permit meets the Zoning Board's findings of fact and conditions of approval; and that the applicant shall adhere to the interpretation of the Town Solicitor regarding the noise ordinance.
3. That the Landscape Architect include the new tree buffer on their plan.
4. The applicant shall submit a Lighting Plan per Preliminary Plan checklist; lighting shall be full cut-off fixtures and directed down, and shall not glare off the pavement.
5. The applicant shall submit Signage Plan per Preliminary Plan checklist to address traffic flow and anti-idling.
6. The applicant shall submit with the Preliminary Plan application a narrative and a plan for a strategy and effective measures to promote and enforce the anti-idling and no-idling requirements of this site. The Board has the right to revisit electrification of parking spaces at the Preliminary Plan.
7. Include detailed recycling provisions on the Preliminary Plan

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8. The applicant shall demonstrate that the auto parking spaces meet the minimum Town requirements.
9. The applicant shall obtain Non-Transient, Non-Community Well license from Department of Health, as needed
10. AP 48, Lot 2-3 shall not be used for truck parking until after Final Approval of the development plan (with the exception of data collection for the noise study).
11. Use of the site shall not be advertised, promoted, or otherwise encouraged as an automobile rest stop.
12. The Preliminary Plan application shall be deemed incomplete if it is missing any of the requirements of the conditions of the Master Plan approval.
13. In accordance with the comments and recommendations in the Memorandum from VHB dated December 5, 2014, TA shall have a parking attendant to actively direct trucks on the site at peak times, and commencing immediately.
14. In accordance with the comments and recommendations in the Memorandum from VHB dated December 5, 2014, the Preliminary Plan shall incorporate signage and striping as indicated, and shall show proposed site distance clearing on the site plan and on the landscape plan.
15. In accordance with the comments and recommendations in the Memorandum from VHB dated December 5, 2014, when it comes time to replace the diesel pumps in the near future (in approximately five years from now), the pumps shall be moved further back into the site and the plan for such shall be reviewed by the Planning Board. In the event that there are emergency repairs that do not coincide with the five-year expected lifespan of the diesel pumps, the entire diesel fuel pump station shall be moved upon the need to replace the third pump (fifty percent of the pumps).
16. The Preliminary Plan and the site shall meet the Zoning Board's findings of fact and conditions of approval as stipulated in their July 15, 2014 decision to grant a Special Use Permit.
17. The applicant shall receive the Physical Alteration Permit from the RI DOT prior to the Preliminary application.

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

Mr. O'Loughlin called for discussion. Mr. O'Loughlin noted one of the key things in the traffic recommendations is that the pole be relocated. Mr. Boyer amended the motion to add:

18. That the pole located at the proposed entrance to the diesel pumps shall be relocated. Seconded by Berry. Mr. Ward called for any further discussion. Mr. Bryan asked if the Board should require that the attendant be initiated now. The Board agreed this should be done. Mr. Bryan expressed concern about snow piles causing an issue at the diesel pumps and obstructing access. The Board agreed and noted there should not be any obstructions, not just limited to snow. Mr. Boyer amended the motion to add 'commencing immediately' to condition 13, and he amended his motion to add item

19. The applicant shall ensure that the entire access to the diesel pumps shall be kept clear of all obstructions.

Mr. Pagliarini asked for clarification on item 10 and whether it should be subject to the Solicitor's interpretation about the noise study. Mr. Boyer amended his motion to add to item 10, that it be in conjunction with item 2. Amendments on the table. Moved by Mr. Berry, seconded by O'Loughlin. There was no further discussion. All in favor (5-0).

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PLANNING PROJECTS

Wind Power Ordinance

-discussion on current information and draft regulations

It was noted that the draft needs to be reviewed.
Motion to continue to January. Berry-Boyer (5-0)

Comprehensive Plan Update

-Consider issuing request for qualifications or request for proposals

Ms. Paquet referred to the letter from Statewide Planning and noted that there is about \$10,000 earmarked to go towards the update. She noted that the updates need be completed by June 2016. She noted that we also need to get an idea on prices so that we can include it in our budget which is due in February.

There was discussion on issuing an RFQ versus an RFP. Mr. Regan offered to work with the Town Planner on this. There was discussion on the scope of work. Ms. Goins noted that a lot of it can be taken right out of the legislation and that the Solicitor's office can help with this. The Board suggested contacting some other communities to get an idea of what it would cost.

REPORTS AND SPECIAL ITEMS

Set 2015 Planning Board meeting schedule

Motion to accept the dates as proposed. Berry-Boyer (5-0)

Election of Planning Board Officers for 2015

Chairman, Vice Chairman, and Secretary

Mr. Ward was nominated for Chair and accepted. Bryan-Boyer (5-0) (Mr. Ward not voting)
Mr. O'Loughlin was nominated for Vice Chair and accepted. Boyer-Bryan (5-0). (Mr. O'Loughlin not voting)
Mr. Regan was nominated for Secretary and accepted. Boyer-Berry (5-0) (Mr. Regan not voting)

ADJOURNMENT

Motion to adjourn. Boyer- O'Loughlin (5-0). The meeting ended at 8:20 p.m.