

WEST GREENWICH
January 12, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, January 12, 2015. Present were: Chairman Brad Ward, David Berry, and Mark Boyer. Vice Chairman Tom O'Loughlin, Secretary Tim Regan, and Alternates Bill Bryan and Brian Wallace were absent. Town Planner Jennifer Paquet was 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 15, 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 the Hoxsie Farms Request for Bond Release off the consent agenda. Boyer-Berry (3-0) There was no action on this item- tabled to next month's meeting.

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

NEW BUSINESS

Amendments to Land Development and Subdivision Regulations- Public Hearing

-discussion and vote on proposed amendments

Motion to open the public hearing. Boyer-Berry (3-0)

Mr. Boyer noted to reword everywhere it says, "Professional Engineer or Professional Land Surveyor" to state "the appropriate design professional licensed by the State of Rhode Island," adding that it depends on what the as-builts are as to who is allowed to certify it.

Mr. Ward noted he would like another paragraph added to section B that the applicant needs to request changes for the bond in writing and that it should be considered an amendment to the Preliminary Plan approval which would need a public hearing and noted that this allows the Board to change any applicable conditions of approval should the change in the bond method alter the situation. The Board agreed and asked to have the proposed language run by the Town Solicitor.

Ms. Paquet asked the Board if they would consider going back to paper bonds. The Board disagreed and noted that cash surety is the best way to go.

There was discussion on steep slopes. It was noted that this is to conform with the new State requirements. Ms. Paquet explained that the proposed changes just simplify it by taking it out of the unsuitable land section and noted that technically it is still unsuitable land but it is just

WEST GREENWICH
January 12, 2015
PLANNING BOARD MEETING

something that can't be subtracted out of the calculation for how many lots a developer can get. She noted it was just easier to remove it altogether and see then how those types of slopes get engineered. She noted that someone can make a whole two acre lot that is fifteen percent slope and steeper, but pointed out that they still have to comply with the eight percent road slope maximum. She noted that this could make for a messy subdivision.

Referring to section B1, Mr. Boyer asked about the reference to Article fourteen for inspections and if this section gives the Town enough power to make sure that inspections are done. There was discussion on proper notice before inspections. There was discussion on changing where it says "Director of Public Works" or "Building Official" in this section to 'town engineer or his/her designee.' There was discussion on changing the notice for inspections to be notice is required 48 hours in advance of the need for the inspection rather than the way it is stated now for the engineer to go out within 48 hours of when a request is made for an inspection. Mr. Ward suggested language to read, "developer needs to notify the town for all inspections 48 hours in advance of all the work to be performed that needs inspection, and failure to comply with the notice provisions shall result in a cease and desist and any and all improvements being removed and reinstalled at the owner's expense."

It was noted to put the proposed language into the draft changes for the Solicitor's review and to continue this to next month.

There was discussion on having a construction checklist for inspections.

Mr. Boyer asked why the figure of twenty-five percent was chosen. There was discussion on proposed maintenance bond amount of twenty-five percent of the total cost for the final pavement and related items and it was noted that this only applies to those certain items, not the whole project. It was noted it is because these items are more sensitive to damage while other construction is going on.

There was discussion on having an annual review of bond amounts because projects that last longer have outdated bond amounts due to changing prices and inflation. There was discussion on making sure the bond amounts are accurate.

There was discussion on private developments and bonds, such as for residential compounds or commercial developments and what happened with the drainage for Coast to Coast. It was noted that there needs to be more thought on this. It was noted that it is important that the design engineer needs to certify it was constructed properly. Mr. Boyer noted that an as-built is just what is built and is not certification that it was done in accordance with the approved plan.

It was noted to keep the language consistent for 'Town engineer or his/her designee,' when talking about inspections.

Motion to continue the public hearing to next month for wording and a vote and to have a clean version with the wording changes as discussed this evening and as reviewed by the Town Solicitor. Berry-Boyer (3-0)

WEST GREENWICH
January 12, 2015
PLANNING BOARD MEETING

PLANNING PROJECTS

Wind Power Ordinance

-discussion on current information and draft regulations

It was decided to wait until next month to set a workshop date.

Comprehensive Plan Update

-Consider issuing request for qualifications or request for proposals

No action.

ADJOURNMENT

Motion to adjourn. Berry-Boyer (3-0). The meeting ended at 8:11 p.m.

WEST GREENWICH

February 9, 2015

NOTES, no quorum

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was scheduled to be held on Monday, February 9, 2015. The meeting was cancelled due to a snow storm and all agenda items were continued to the March 16, 2015 regularly scheduled meeting. Present was: Chairman Brad Ward. Absent were: Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, Mark Boyer, and Alternates Bill Bryan and Brian Wallace. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was no quorum.

Chairman Ward was present at 7:00 p.m. to open the meeting. No one was present in the audience. He read the agenda and announced that all agenda items are continued to the March 16, 2015 meeting.

Announcements had been posted earlier this day on the Town's website and on the Secretary of State's website that the meeting scheduled for this evening had been cancelled for tonight and that all items have been continued to the March 16, 2015 meeting.

WEST GREENWICH
March 16, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, March 16, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, and David Berry. Mark Boyer, Secretary Tim Regan, and Alternates Bill Bryan and Brian Wallace were absent. Assistant Town Solicitor Amy Goins and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:00 p.m.

It was determined that there was a quorum.

Mr. Ward announced for the audience that the Public Hearing for Cedar Ridge located at AP 1, Lot 10-3 will be conducted on April 20, 2015. Mr. Ward read this agenda item description for the record.

CONSENT AGENDA

Acceptance of Minutes (CA)

January 12, 2015 Regular Meeting

February 9, 2015 Regular Meeting (cancelled, all items continued)

**Request for Bond Release and
Recommendation to Town Council for road acceptance (CA)**

Hoxsie Farms- off Robin Hollow Rd.

Minor Residential Subdivision: Preliminary Plan (CA)

"Sunset Ridge" – AP 38, Portion of Lot 9-2

--on Liberty Hill Road; two new frontage lots

Owner/ Applicant: Kenneth W. & Dori B. Potter

Motion to take the Minutes for January and February and the Request for Bond release for Hoxsie Farms off the consent agenda. O'Loughlin-Berry (3-0).

Motion to approve the remaining Consent Agenda item for the Sunset Ridge Minor Subdivision. O'Loughlin-Berry (3-0).

OLD BUSINESS

Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.

-discussion and vote on proposed amendments

Motion to continue the public hearing for the proposed amendments to the Land Development and Subdivision Regulations to the April 20, 2015 meeting. O'Loughlin-Berry (3-0).

WEST GREENWICH
March 16, 2015
PLANNING BOARD MEETING

Minor Development Plan: Construction status, cont.; and Amendment to Preliminary Plan

“Roch’s Fresh Food” -- AP 49, Lot 4-2

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

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

--Status of completion of improvements to site and review of construction schedule

Mr. Ray Roch, owner of Roch’s Fresh Foods approached the Board. Mr. Roch noted that he has submitted the last phase in his project and noted he believes he’ll have it done by end of Summer or early Fall. Mr. Ward asked Mr. Roch if he is confident that he’ll be completed with all the improvements as specified on the plan by October 31st. Mr. Roch stated yes. Mr. Roch noted that the only thing that may hold him up is the paving for the parking lot because this cost was not included in the proposal. He noted that they may re-grade it and maybe leave it crushed stone, and needs to see how the finances come in. He noted it is a small portion right in front of the loading docks. Mr. Ward noted he doesn’t have an issue with this, but that he has concerns about the how the parking situation will be during construction and asked Mr. Roch how he plans to alleviate this so the parking is not spilling over into the street. Mr. Ward indicated that the parcel across the street is now proposed for development. Mr. Ward expressed concern that the parking situation is going to get worse once Mr. Roch starts construction. Mr. Roch responded that the business slows down during the summer months and explained that the school program slows down. He noted that seasonally, they let go of about 20 people, and this is going to make a big difference. Mr. Roch also noted that they are going to be freeing up about 5 or 6 parking spaces in the back corner once they do the detention pond. Mr. Roch noted he has been warned a few times about parking in the cul-de-sac. Mr. Ward noted that there will be a time when there is more development on this street and stressed to Mr. Roch that this condition of no parking in the street will need to be steadfastly adhered to. Mr. Roch understood. Mr. Ward asked Mr. Roch if he feels confident that he can make the improvements as designed on the plan within the timetable specified, with the possible exception of the asphalt. Mr. Roch stated that he does.

Mr. Ward asked for comment from the Board. Mr. Berry noted it would be good to get a status along the way to make sure progress is being made. The Board had discussion. It was decided to have the applicant come back in May since the start of construction is scheduled for May 1st.

Motion to require the applicant appear before the Board with updates at the May and August meetings, and to accept the timeline of the construction schedule as submitted, along with the minor modification to the design for Roch’s Fresh Food located at AP 49, Lot 4-2. O’Loughlin-Berry (3-0).

WEST GREENWICH
March 16, 2015
PLANNING BOARD MEETING

NEW BUSINESS

Site Plan for House Lot- Lot Drainage AP 23, Lot 50-5

Lot 5 within "Regina Estates" Major Residential Subdivision at 122 Regina Drive

--Request to reduce design storm for drainage

Owner/Applicant: MPDR Construction Company, Inc. (Ronald Maggiacomo)

No one was present for this item. **Motion** to move to end of agenda in case someone arrives.
Berry-O'Loughlin (3-0).

Public Hearing:

Major Residential Land Development Project: Preliminary Plan Public Hearing

"Cedar Ridge" – AP 1, Lot 10-3

--off New London Turnpike: new privately owned roads and condominium dwellings of single, double, and triple unit structures proposed

Zoning: Senior Residential; 13.5% affordability requirement; age restriction to 55 and older

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

It was announced again that the Public Hearing for the Cedar Ridge development will be conducted on April 20, 2015.

Commercial Development Plan- Pre-application stage

"Diffley & Daughters" – AP 49, Lot 4-7; 33 Arnold Farm Road

Proposed Use: Sanitary Sewage Services

Zoning: Highway Business

Owner: Robert Studley, Jr. & Gary Studley; Applicant: Diffley Land Holdings, LLC

Mr. John A. Pagliarini, Jr., attorney for the applicant, and Mr. Diffley, applicant, approached the Board.

Mr. Pagliarini noted that the Zoning Board has granted a Special Use Permit for this proposal, with some conditions.

Mr. Ward asked if the wetlands edge has been verified. Mr. Pagliarini noted that it was verified by RIDEM in 2007, as indicated in the Narrative. He noted that the proposal is for an 80 x 100 foot building. He passed out renderings of the building. It was noted it is a standard steel building of two stories. Mr. Pagliarini noted that the Zoning Board required that all the doors be in the rear.

Chairman Ward asked if there is going to be a lot of exterior storage. Mr. Diffley noted that there will be some storage towards the back and that the majority of it will be in the building at night. Mr. Pagliarini noted there will be a port-a-potty pavilion outside on a 50 x 50 area. There was discussion on the fenced in area for the storage area.

Chairman Ward noted he would be looking for some sort of screening buffer with a fence.

WEST GREENWICH

March 16, 2015

PLANNING BOARD MEETING

There was discussion on what would be needed for the Preliminary Plan submission, including moving the septic system and getting the permits. It was noted that this seems like a very straightforward site plan but it was noted that the preliminary plan application will need to be complete to get on the agenda. It was noted that the Fire Chief needs to review it for access to make sure a fire truck can get in there. There was discussion the choice of having the access on the cul-de-sac. It was noted it was because the vehicles for Roch's Fresh Food park all along the street, and Mr. Diffley was trying to avoid this. It was noted that right now, Roch's is the only one down there, and Chairman Ward noted he made it quite clear to Mr. Roch that he needs to comply with the stipulation that there be no parking on the street.

Mr. Berry asked if the OWTS is for the building only and not for the tankers. Mr. Diffley noted that was correct and that it is not for storage. It was noted that the waste is trucked to the treatment plant. It was reiterated to have the septic location moved outside the town 200 foot setback to the stream and to have the Fire Chief review the access.

Site Plan for House Lot- Lot Drainage AP 23, Lot 50-5

Lot 5 within "Regina Estates" Major Residential Subdivision at 122 Regina Drive

--Request to reduce design storm for drainage

Owner/Applicant: MPDR Construction Company, Inc. (Ronald Maggiacomo)

Mr. Ronald Maggiacomo approached the Board. Mr. Maggiacomo requested to reduce from a 100 year storm to a 10 year storm for the drainage design on one residential lot. Mr. Maggiacomo noted he was told that with the slope on the lot that the 100 year wouldn't even fit on the lot.

It was noted that the other lots from this development were designed for the 100-year storm.

Chairman Ward suggested a 25-year storm to see if that could fit, noting that he understands that the 100 year seems too significant. He noted that the Board would have a problem unless they researched the justification of why the 100 year was imposed. Mr. Maggiacomo stated he could have his engineer look at it and make sure he can fit it on there. It was noted that this is a 2.7 acre lot and each side of it is developed. There was discussion.

The Board noted they want to see if he can get the 25 years storm on the lot to protect the abutters. Mr. Ward noted that if there are problems attaining the 25 year storm, then the applicant can come back. Mr. Ward noted that the 25 year storm should be sufficient.

Motion to reduce the 100 year requirement to a 25 year requirement on AP 23, Lot 50-5. O'Loughlin-Berry (3-0).

Wind Power Ordinance

-discussion on current information and draft regulations; set a workshop date

Motion to continue to the April meeting. O'Loughlin- Berry (3-0)

WEST GREENWICH
March 16, 2015
PLANNING BOARD MEETING

Comprehensive Plan Update

-Consider issuing request for qualifications or request for proposals

There was discussion on having a draft RFP ready for the Planning Board to review for April. It Ms. Paquet noted that Statewide Planning can also review the draft RFP. She noted that she put in for \$25,000 in the budget and there is another approximately \$10,000 available from the State. Ms. Paquet noted she will also give the Board some sections from the draft Guidance Manual.

Motion to pursue and RFP for the Comprehensive Plan update. O'Loughlin-Berry (3-0)

REPORTS AND SPECIAL ITEMS

Correspondence

Notice of Public Hearing- Town of East Greenwich:

-Proposed Zoning Ordinance and Map Amendment
for applicant William J. Ross for land at EG Map 67, Plat 13, Lot 34
off New London Turnpike and Division Street
--consider and prepare comments to send to East Greenwich

Mr. Berry asked where the access is. Ms. Paquet showed a Plat Map with the proposed access drawn in. She explained that the proposal is to purchase or lease land from the Federal right of way for I-95 at the Exit 7 ramps. The Board had questions and noted that this is right beside the Cedar Ridge development. It was noted that the access point would be next to the gas station. Chairman Ward noted the Board needs to object to this because we can't have all those trucks and equipment going in right beside a residential complex. Ms. Paquet noted that she doesn't know the nature of how intense the business is and noted it is a landscape construction business. She noted that she doesn't know if this is a storage and office type of place where they go out and do work, or if it is a retail location where the public goes in there and buys materials. Mr. Ward questioned how he could ever get approval for the access. He noted that he objects to this access. He noted that they would be running large equipment right beside a proposed residential development that already has Master Plan approval. It was noted that even though it is near the highway, that the highway is up higher and that these trucks would be right next to the development at the same elevation.

The Board directed Ms. Paquet to send a letter to East Greenwich stating that the Board strongly objects to the access coming off New London Turnpike and that we have a residential complex that is going on Lot 10-3 and that the heavy equipment going in and out through West Greenwich to this parcel will adversely affect the proposed development. Furthermore, East Greenwich has a buffer zone requirement in the Zoning Ordinance that requires 100 feet from a commercial use to a residential lot and we would appreciate if East Greenwich would recognize that across the Town line and require a 100 foot buffer to the residential lot and development, including the access points.

Mr. Berry questioned if this is spot zoning.

WEST GREENWICH
March 16, 2015
PLANNING BOARD MEETING

Ms. Paquet explained that not too long ago, what Statewide Planning does with Comprehensive Plans, is that when a town's Comprehensive Plan comes in for review by them, they send notice to the abutting communities to let them know that the abutting community is proposing this Comprehensive Plan and asks them to review it to ensure consistency across town lines. She noted that she did review East Greenwich's Comprehensive Plan and noted that their Future Land Use Map designated this area for a mixed use village with affordable housing, which is almost exactly what we have on our side with the senior affordable housing. The Board agreed to include this in the letter. It was noted that this is against their Comprehensive Plan, but that anyone has the right to put in an application. Mr. Ward noted that if they put in a 100 foot buffer for their own residents in East Greenwich, that they should recognize the Town line and put in a 100 foot buffer for any residential district in West Greenwich.

There was discussion on what the other parcels in the area are zoned.

It was noted to send a copy of the letter before it is sent out to the Solicitor's office and the Planning Board Chair.

The Board reviewed the map showing the proposed access. Mr. Ward noted that this proposal is basically taking the access into this lot and putting a burden on West Greenwich residents. He noted it should stay in East Greenwich. Mr. Berry questioned how the applicant could have gotten access from the Federal Government off the I-95 corridor.

Ms. Paquet noted that she has also drafted a letter to the property owner letting him know that the project will need review for the West Greenwich portion by the Planning Board. The Board agreed and asked to cc this letter to the East Greenwich Town Council.

ADJOURNMENT

Motion to adjourn. O'Loughlin-Berry (3-0). The meeting ended at 7:56 p.m.

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, April 20, 2015. Present were: Chairman Brad Ward, Secretary Tim Regan, David Berry, Mark Boyer, and Alternates Bill Bryan and Brian Wallace. Mr. Bryan voting as alternate for a full Board. Vice Chairman Tom O'Loughlin was absent. Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet 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)

January 12, 2015 Regular Meeting

February 9, 2015 Regular Meeting (cancelled, all items continued)

March 16, 2015 Regular Meeting

Request for Bond Release and

Recommendation to Town Council for road acceptance (CA)

Hoxsie Farms- off Robin Hollow Rd.

Motion to remove the Request for Bond Release off the consent agenda. Berry-Boyer (5-0)
No one was present for this item. Motion to continue to next month. Boyer-Berry (5-0)

Motion to approve the remaining consent agenda. Berry-no second.

Motion to remove the minutes from the consent agenda. Berry-Boyer (3-5)

Motion to approve the January minutes. Berry-Boyer (3-0) w/ Regan, and Bryan abstaining.
February minutes accepted, as there was no quorum present at the meeting.

Motion to approve the March minutes. Berry-Boyer. Motion failed, as Boyer, Regan, and Bryan abstained. (Continued to next meeting.)

OLD BUSINESS

Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.
-discussion and vote on proposed amendments

Motion to continue the public hearing for the proposed amendments to the Land Development and Subdivision Regulations to the May 18, 2015 meeting. Boyer-Regan (5-0).

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

NEW BUSINESS

Public Hearing:

Major Residential Land Development Project: Preliminary Plan Public Hearing

“Cedar Ridge” – AP 1, Lot 10-3

--off New London Turnpike: new privately owned roads and condominium dwellings of single, double, and triple unit structures proposed

Zoning: Senior Residential; 13.5% affordability requirement; age restriction to 55 and older

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

[NOTE for this agenda item: There are multiple parties present with the same last name, representing different interests. The parties are described as follows:

Attorney John A. Brunero, Jr., applicant’s attorney.

Deborah Brunero, abutting property owner to the project.

David Russo, PE, applicant’s engineer from DiPrete Engineering

Attorney Alfred Russo, attorney representing the abutting Brunero family]

Attorney John Brunero, Jr. approached the Board, representing the applicant. Mr. Brunero noted that Mr. Kent was present this evening. Mr. Michael Kent and his son Mr. Jonathan Kent, applicants, were both present.

Mr. Brunero noted the project has been around since mid-2007, and noted that the Town Council approved a change of zone in March 2008 creating the Senior Residential Zone. He noted that this zone change included numerous stipulations, including a stipulation that there be no access from Division Road in to the project for regular traffic. He explained that, unfortunately, when the first notice for this hearing was sent out to the neighborhood, it showed an access on Division Road. He noted that this was in total error, and that it was corrected. He reiterated that they are not in any way proposing access to Division Street other than the emergency access with a gate.

Mr. Brunero noted that after the zone change, the Planning Board approved a Master Plan in June 2008, and noted that the plan is pretty much the same.

Chairman Ward asked for clarification that the emergency access will be there limited to emergency personnel only. Mr. Brunero confirmed this and noted there will be a break-away gate for approval by the Fire Department.

Mr. Brunero noted that in 2008, Rhode Island General Laws provided for a Master Plan to have a two year vesting period, and explained that the approval would have been good through June 16, 2010. He then explained the Tolling Statute and stated that the approval is good to January 2016.

Mr. Brunero stated that there are 127 units, single story, and they all meet the dimensional requirements. He noted that a no-cut buffer issue has come up and pointed out that the property next door was part of the previous developer’s proposal. He noted that those two lots have since been rezoned back to Highway Business by the owners. He noted that legally, he believes his client has the right to keep his units in the same location as the Master Plan layout. He noted that

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

he has spoken with the neighbor's attorney and the Town Planner. He noted that an effort to compromise is to create a 50 foot no-cut buffer between Lot 13 and the easterly project boundary. He noted it would shift the units in the development and asked the Board to formally accept the Alternate Layout as an amended Preliminary Plan in terms of site design.

Mr. Brunero stated that the approved Master Plan was a concept. He explained that the hard engineering came after that for the water, sewer, drainage, and the over age 55 items. Mr. Brunero spoke of the RIDEM approval for RIPDES, the RIDOT approval for the curb cut to New London Turnpike, the approval from Kent County Water Authority, and the approval from RIDOT for the sewer line which will be under route I-95. He noted that there was a question about who owns the sewer line, and discussed the intercity municipal agreements. He noted that the Town Council approved the reserve capacity for this project. He noted that there is also a soil erosion control plan. He noted that the Town Engineer has indicated that he is satisfied with the stormwater management.

Mr. Brunero discussed that the water line is going to be accessed from Division Street and noted that the water line within the development will be owned and maintained by the Condominium Association as private lines and private hydrants.

Mr. Brunero discussed the sewer and the question of who owns the line. He noted that they are open to suggestions for whatever the Board or the Town Administrator wants. He noted that they will be establishing a formula for a reserve account for necessary repairs.

Mr. Brunero noted that there was a traffic study with the Master Plan and announced that Mr. Bannon is present to give an update. He noted that there was clearing proposed for the corner of New London Turnpike and Division Street, and noted it can be done.

Mr. Brunero talked about the over age 55 concept and the question of how it will be enforced. He noted that every application for purchase from the original developer will have a questionnaire for ownership, name, age, etc. and explained that when the condominium gets sold in the future, the buyers has to report their name and age and it gets reported through the condominium association. He explained that they have a resale certificate, which gets recorded in the Land Evidence Records. He noted that the only time there would be an issue for a short period of time is in the case of a death, where it can be tied up in probate for a year. He noted that they can fine-tune the documents so that they can't be rented out. He noted that there is a mechanism to ensure that the units are occupied by over 55.

Mr. Brunero discussed that there are 18 affordable units in the project that will be built along with the regular units. He noted that they have reached out to the Coventry Housing Authority Director for monitoring provisions of this program. He noted that the Association would pay a fee to monitor the affordable program to ensure that the purchaser is qualified and is over 55, and that the property is occupied by the purchaser.

Mr. Brunero discussed the water supply from Kent County Water Authority. He noted that there are restrictions that the water cannot be used for irrigation. He noted that any water for lawns will be from their own private wells.

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

Mr. Brunero discussed that lighting, if any, will be down-lighting rather than bright lights and there won't be any impact to the neighbors. He noted that they can give this to the engineer for review prior to installation.

Mr. Brunero noted that the mailboxes will be located at the front entrance, and that there will be recycling and trash pick-up for each individual home. He noted that there will not be dumpsters. Mr. Brunero noted that the Homeowner's Association will enforce this.

Mr. Brunero discussed the benefits of the development and noted that he did an analysis using \$225,000 as an average home value and factored in car taxes also of about \$500 per unit. He noted that the cash flow to the Town from this project is about \$700,000. He noted that this project is not going to have an impact on the school system. He noted that this development is good for the seniors, but that it is also great for the Town as a significant cash flow. He noted that this zone also required the applicant to pay to the Town a \$1,200 recreation fee per unit which comes to \$152,400.

Mr. Brunero pointed out other benefits to the Town besides no schools. He noted that the Association does their own snow plowing and road maintenance, not the Town Highway Department. He noted that the services they ask for are Police and Fire.

Mr. Brunero discussed what the units will look like and referred to the architectural renderings. He noted that they are all one floor, all with full basements, and all with a garage.

Mr. Brunero called Mr. Bannon to the Board and asked him to identify himself.

Mr. Paul Bannon, President of RAB Engineers approached the Board. Mr. Brunero asked Mr. Bannon a series of questions. Mr. Bannon responded that his firm did the original traffic study in 2007/2008. He explained that he was hired to update the study by reviewing the existing traffic conditions to see if they had changed in any capacity and to determine if the conclusions of the original study were still valid. He noted that they conducted an automatic traffic record count on New London Turnpike in the same location that they had done in 2008. He noted that the findings were that the volumes today are roughly the same, slightly less than they were in the 2008 count. He noted that in 2008 they ranged over the week from 3,000 to 3,300 vehicles per day, and that today, over the course of a week they varied from 2,750 to 3,100 cars per day. He explained that this is roughly the same with no perceived difference if you travel that section of roadway.

Mr. Bannon explained that the development proposal has not changed, and so the type and generation of traffic that was originally proposed onto the servicing roadway is going to operate the same as projected in the original study, considering that the volumes are substantially the same. Mr. Brunero asked Mr. Bannon if the Level of Service today is the same as it was in 2008. Mr. Bannon replied yes, and noted that 3,000 vehicles per day is very low traffic. He explained that this is an age-restricted senior community where the a.m. / p.m. peak volumes are less than the typical single-family residential development. He stated that the driveway will operate very efficiently with the Level of Service.

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

Mr. Brunero asked Mr. Bannon if there has been any significant construction in the vicinity that would utilize New London Turnpike. Mr. Bannon explained that the original study included development of the parcel to the southeast and also included consideration for the proposed Arlington RV at the corner of Division and New London Turnpike, as well as additional development that was going on at the time in the Centre of New England and Coventry Crossings that he was involved in.

Mr. Boyer asked Mr. Bannon if the improvements were made on the southbound ramp for I-95 before or after the study. Mr. Bannon noted that the signal had been approved at the time, but was not in place.

Mr. Berry asked Mr. Bannon if he studied people coming out and going down Division Street versus going on I-95. Mr. Bannon stated yes. Mr. Berry asked if there would be any impact from this development. Mr. Bannon noted that typically all the services that people in the proposed development would want are to the north, such as in the Centre of New England or with highway access. He noted that in the morning, 70% of the traffic is heading in that direction. He noted that they anticipate very few vehicles taking Division Street. He noted that they had recommended clearing at the intersection of New London Turnpike and Division Street because of the curvature. He stated that he thinks that since that time some clearing has been done by the Town or the State and noted that it is much better now than it was then.

Mr. Ward asked Mr. Bannon if he is aware that when you take the exit coming up to New London Turnpike heading north, that there is a substantial queuing there at times, and asked Mr. Bannon if this will increase or adversely impact the queuing on that ramp. Mr. Bannon explained that it would not, because all the northbound off-ramp traffic is going to be turning right, which is not delayed. He explained that the left turning traffic is delayed primarily by the left turn going on to the northbound on-ramp, which is the high volume conflict. He reiterated that there will be very little or no conflict.

Mr. Ward described to Mr. Bannon that the locals typically make a right, instead of making the left, and go down towards the proposed entrance there and make a U-turn and come back and head towards BJ's to avoid the long line. He asked if people doing that will have any adverse impact from the traffic that enters from this development. Mr. Bannon stated that he has not witnessed that condition. He noted that being out there at 3:30 p.m. and between 5 to 6 p.m., the most he ever saw out there were 4 or 5 vehicles queued on the ramp. He noted that this can vary day to day depending on what's going on. He explained that for most of the day, that is not an issue—it is typically in the morning because of the roughly 900 cars that are trying to get on the highway. Mr. Bannon explained that the long-term goal was to have the connection of Centre of New England Boulevard from New London Turnpike through to Hopkins Hill Road, and noted that this is still the goal. He noted that this should, long-term, help that condition on the off-ramp for those people destined to the Centre of New England from the south.

Mr. Ward asked if anyone else from the Board had any questions. No one had questions. Mr. Ward asked the audience if anyone had any questions regarding the traffic.

WEST GREENWICH

April 20, 2015

PLANNING BOARD MEETING

Mr. Harris Hammersmith, questioned that there were supposed to be two lights proposed several years ago, the second being up by this housing development, and asked if this has ever been addressed again. No one had any recollection of this.

William Williams, 75 Division Road, added his observation that the one thing that has increased is the Rescue and Fire response. He noted it is split between the two towns, with Hopkins Hill and Mishnock Fire Stations. He noted that in the last few years, they use Division Road and cross New London Turnpike to get into Centre of New England. He supposed that it is not fires, but rescue calls. He noted that now they are proposing a development of seniors and that he supposes that a development of seniors would require the rescue more than fire. He noted that he doesn't think it will be a huge impact, but that he thinks this is where they will see some impact. Mr. Ward noted that Mr. Brunero made that clear and concurred that it is quite obvious that with an over 55 development that an increase in emergency responses is pretty much a given.

Mr. Williams added that he doesn't see the back up in traffic, except when something happens on I-95. He noted that the traffic lights seem to keep everything free-flowing.

Dale Williams, 75 Division Road, calculated if 127 units are built and each one has 2 cars, this is 254 cars that are either going to go right or left. She noted she's lived here almost 19 years, and that Rhode Islanders like to drive Division Road. She expressed concern that the neighbors on Division Road and Carrs Pond Road see an increase in traffic because the residents of the proposed development will go around and will go down Division to get to Route 3. She added that a lot of people who are 55 are still working and that they will be going out in the morning, which will be a definite increase on Exit 7 since that is where they live. She noted that she doesn't think they are going to get off and do a U-turn as Mr. Ward talked about. She noted that she thinks it has improved greatly with the traffic light. She noted that there was a traffic light proposed when Arlington RV was going to be at the intersection, because Arlington RV was going to pay for one there. She noted she had a meeting with the Governor about the traffic and accidents that happen in her yard. It was noted that Arlington RV was a different application that didn't come to fruition. Mr. Bannon noted that a traffic light would need to be approved by the State Traffic Commission and be warranted by a traffic study.

Mr. Brunero asked Mr. Bannon to discuss the traffic generation from the development to address Mrs. Williams concern. Mr. Bannon confirmed that there would be more than one car per household and explained that he looks at impacts with the peak condition in the morning and in the afternoon, in conjunction with the Trip Generation Manual and other historical information that he has. He explained that not everyone leaves at 8 o'clock in the morning, but that typically you'll have a range from 6 a.m. to 9 a.m. and noted that the cars leave at spread-out times. He explained that there will be roughly 39 cars for this development in the morning and 60 in that one hour in the p.m. Chairman Ward noted that Mr. Bannon has testified before this Board as an expert witness many times in the past and confirmed this for the record for this application.

Mr. Brunero called Mr. David Russo, PE with DiPrete Engineering to the Board. Mr. Russo gave his experience and education and the Board accepted him as an expert witness in engineering.

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

Mr. Russo discussed the proposed stormwater drainage system and noted that the pre- and post-runoff conditions result in a zero percent increase. He noted that some of the condominiums have roof runoff drywells and that there are two drainage basins. He noted that there is an existing manhole on the existing right-of-way where the stormwater ends up and noted that he had to show in the analysis that they weren't increasing flow to this point. Mr. Boyer clarified that the outflow to the Big River watershed property. It was noted that this is not part of the I-95 drainage system.

Mr. Russo noted that there is an approval from RIDEM for a RIPDES permit and a curb cut permit from RIDOT.

Mr. Russo discussed how the sewer is going to be installed under I-95. He noted that there is an 8 inch gravity sewer inside the site that carries the sewerage to a pump station, which then pumps through a 4 inch force main across I-95. He explained that to get across I-95 the pipes need to be directional drilled. He noted that there will be a carrier pipe and the force main pipe will be inside it so they can take it out of the sleeve if there is a problem. He noted that this has been approved by RIDOT and that there was no ledge present in the area when they tested. He noted that Jim Geremia and West Warwick Sewer Authority have approved it and that the RIDEM has also issued a Sewer Order of Approval.

Ms. Paquet noted that there is no documentation from West Warwick Sewer Authority but that they are waiting on the Town to confirm the allocation.

Mr. Russo discussed the Alternate Layout plan showing a 50 foot buffer and relocated units. Mr. Boyer asked if the 50 foot buffer was vegetated. Mr. Brunero noted that it was and added that there is also the road there which makes about 100 feet between the units and the property line.

Mr. Boyer referred to the Town Planner's memo and asked Mr. Brunero to address a crosswalk. Mr. Brunero noted that if RIDOT is ok with a crosswalk, then it is a simple solution and he thinks it is warranted.

Mr. Boyer noted that there should be some stipulation about lighting and if there is going to be any that the Town Engineer should review it. Mr. Brunero noted that should not be a problem.

Mr. Boyer asked if it will be one company for the trash pick-up. Mr. Brunero explained it will be one company hired by the Association.

Mr. Boyer asked if there were any comments from the Water Resources Board. It was noted that no comment were received.

Mr. Regan asked about the zoning dimensional requirements for the impervious coverage. Mr. Russo noted it was an error and that if the Alternate Plan is voted on that they would have to update the plan anyway and that it will meet those requirements.

Mr. Berry asked if Federal approval is needed for the sewer line since it is a Federal Highway. Mr. Russo noted it was part of the RIDOT review.

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

Mr. Berry asked when there will be something in writing from West Warwick Sewer Authority. Mr. Russo noted that Mr. Geremia issued a one page letter. Mr. Brunero noted they understand that this project is subject to West Warwick Sewer Authority approving this.

Mr. Berry asked about the electrical easement. Mr. Russo pointed to the plan where the electrical easement is and noted that it will be relocated and grant an easement so that it is not behind the units.

Mr. Berry asked what ever happened with the landscape company that said they had permission from the Federal Government to go off the exit ramp. Chairman Ward noted that is a separate issue.

Mr. Brunero noted that the signage will comply with what is allowed by the ordinance and noted that they can submit it to the Board or submit it for an administrative approval. He noted that it would be indicative of how the project has started out with the beautiful the stonewalls. Mr. Ward noted that the Board would like to see it and have the Board approve it prior to the installation.

Mr. Boyer asked Mr. Russo if he has had the opportunity to review the Town Planner's eight page memo. Mr. Russo noted he has. Mr. Boyer noted that the suggestions in the memo of the small notations should be added to the plan.

Mr. Brunero asked Mr. Russo if he has gone through this eight-page document dated April 17th. Mr. Russo stated yes. Mr. Brunero asked if the applicant can and will comply with all of the items set forth. Mr. Russo stated yes. Mr. Brunero asked Mr. Russo if he sees any issue whatsoever with some of the reasonable requested items. Mr. Russo indicated no.

Chairman Ward asked for comment from the Town's Consulting Engineer, Mr. Dan Cotta, PE, PLS of American Engineering. Mr. Cotta asked if the Board is going to look at the Alternate Plan with the 50 foot buffer. He stated that he somewhat disagrees that it is completely vegetated and pointed out that Graves Lane is in there and that it is fairly sparse. He reiterated that he disagrees that it is a full naturalized vegetated buffer. He added that there are still a lot of details on the engineering plans that need to be addressed prior to a pre-construction meeting and indicated that the plan is not ready for construction. He noted he has reviewed the Alternate Layout and noted that it is all in the same watershed as the original plan, but that it is a matter of catch basin inverts and noted that the details need to be laid out. Mr. Cotta questioned where the mailbox will be moved to. Mr. Russo noted it may end up back at the entrance.

Mr. Cotta continued with his comments. He noted there is a concern with a lot of water that runs from Division Street in the direction towards the proposed houses and noted that the houses are stepped fairly significantly and in some cases it is quite narrow where the water needs to get between them. He expressed concern that the foundations are at different elevations and questioned how a swale can get between two different elevation changes. He noted it is kind of tight.

Mr. Cotta noted he has gone through the Stormwater Management Plan and asked Mr. Russo for the record to confirm if it meets both the 100-year volumes and peak runoff rates. Mr. Russo

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

stated that was correct and that it meets zero percent. Mr. Cotta asked again if it was both volume and peak rate. Mr. Russo indicated it was so.

Chairman Ward asked the Board if there were any more questions.

Mr. Berry asked Mr. Cotta about the fencing around the detention ponds. Mr. Cotta noted he doesn't foresee a lot children playing in this area and noted fences are ugly and catch grass. He noted it was only brought up for discussion if it was something that the Board wanted. Mr. Ward made a note of this to discuss it at deliberation.

Mr. Ward explained that he understands that there was discussion about whether the sewers were going to be public or private and that he understands that the portion of the force main going under I-95 has to be public and that there has been an agreement with the Town Council to have that component as a public feature of the sewer line. He noted that it was his understanding that the rest of it was to remain private and be totally the responsibility of the Homeowner's Association, consisting of the collection system of the 8 inch pipes, and the pump station, and pretty much everything going up to that public portion. Mr. Brunero confirmed this and stated that the pump station is part of the applicant's responsibility. He noted that everything inside the development is the applicant's and noted that the entire system will be a private system.

Chairman Ward noted it is his opinion is that to cross the Town line with the Sewer would have to go to the Town Council and the Planning Board for approval and stated that he is not in favor of having this utility cross the Town line (meaning into East Greenwich). He noted he would like the option that if the Town sees it in the best interest to provide service to others within the corporate lines of the Town of West Greenwich, and that this should be written into the documents. Mr. Brunero noted that the Town could always take it over by condemnation, but that they can work something out in the Agreement that should the Town want to take over the responsibility and benefit from it, they can do so. Mr. Ward noted that the Town would not take it over, but rather that if there was a need, that other lots could tie in and pay the association fees. Mr. Brunero noted that some language could be worked out very simply. Chairman Ward noted that this Town is too small to take over the sewer authority business.

Mr. Ward asked if the Association will hire a licensed professional to maintain and evaluate the pump station and check on it in a timely manner as needed, and document all the recordings. Mr. Russo indicated yes.

Mr. Ward asked if there were any other questions.

Mr. Regan asked if DiPrete Engineering has responded to the Town's engineering comments in writing as noted on page 8, item number 11. He asked to formalize this and pointed out that Mr. Cotta has two memos. Mr. Russo noted that they have to revise the plans and resubmit them to Mr. Cotta for review and that at that time they can address this.

Mr. Bryan asked to have the phasing concept described and asked if the two detention basins have to be constructed in Phase 1. Mr. Russo noted this was correct. Mr. Bryan asked about the rest of the road subgrade and infrastructure and asked if it is intended that this would be all done with Phase 1 and just not build the dwelling units, or if they are going to do the road

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

infrastructure complete. Mr. Brunero conferred with his client. He noted that they will bring the full road to subgrade all at once, and then paving individually as the phases go through. He noted that you don't want to pave until all the home foundations have been put in because you don't want the excavator driving over the asphalt. He noted that from a protection standpoint, everything will be graded in and then when they are ready to construct the homes, then they will put the roads in passable and just before they start to sell them, they will put the asphalt on. He noted that the other phases will be roughed in during construction so that they can get in and out to the various areas. Mr. Bryan pointed out that the stormwater and erosion control will have to address the fact that the infrastructure is in place and that they will have to protect that drainage system. Mr. Russo stated that they are aware that when the drainage system is in place that they are going to use silt sacs in the existing catch basins that will be constructed to protect the drainage systems.

Mr. Bryan stated that he knows that the Condominium Association will be responsible for the road and asked if the pavement in Phase 1 will be completed with finish top coat, or if it is going to be deferred. Mr. Brunero noted it will probably be just the first coat until the entire project is done. He noted they will probably selling homes with just the base coat in place and then when everything is finalized, then the final coat will go in.

Mr. Bryan asked Town Solicitor Ursillo if a project like this was not completed if it would be the Town's responsibility for the roads. Mr. Ursillo responded that it would go into receivership and that the Town would not be responsible.

Chairman Ward asked the Board had any more questions. There were none at this time. Chairman Ward called for a recess at 8:10 p.m.

The Board reconvened at 8:18 p.m.

Chairman Ward announced that the Board has concluded all questions to the engineer and opened to the general public if they had any questions for the engineer.

Attorney Alfred Russo, representing abutters Mark and Deborah Brunero announced that he would like to give a presentation. The Board acknowledged this and opened comment up questions for the engineer.

Mr. Roger Martin, 21 Carrs Pond Road, asked about the sewer pump station and if the Association has to maintain that equipment and what happens if the pump fails or the power goes out. Mr. Brunero stated that there is a back-up generator and that there are two pumps. Mr. Russo noted that there is storage capacity.

Attorney Al Russo, representing the Brunero family at 49 Division Road. Attorney Russo noted his client has a concern about safety during the construction phase of the project with the construction equipment and small children and asked if there will be any fencing along the property line. Attorney Brunero noted that they cannot guarantee their safety if they are trespassing on their property. Deborah Brunero noted that half of the property is loaded onto her back yard with boulders from the construction. Attorney Brunero noted for the record that Mark

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

Brunero is his cousin. Mr. Regan asked if they are going to have construction fencing. Mr. Brunero stated that they will put construction fencing up around this area.

Mr. Michael Kent, applicant, stated that he will put up construction fencing along that 50 foot buffer while they are under construction. Mr. Boyer asked when the fence will be taken done. There was discussion. Attorney Brunero noted they will stipulate to the construction using heavy equipment.

Attorney Russo asked if there will be hay bales up along the property line so that water is not discharged onto the property, expressing concern for his client's well and septic. Attorney Brunero noted that there is a soil erosion control plan and would suggest it goes along the westerly boundary of the lower road, without disturbing the natural buffer. Mr. David Russo, PE, clarified that it will be silt fence, not hay bales.

Attorney Russo stated his client is also concerned about the buffer. He noted that Mr. Lepre is here as well (another abutter). He noted that the tree line only goes back about 75 to 100 feet off of Division Road and that all the way to the end of the proposed buffer is basically clear and now there is some loam and sand dumped on it. He asked the Planning Board to ask the applicant to put up in the buffer zone a raised berm with some white pine of 10 to 12 feet on center from where the end of the natural vegetated tree line is all the way to the end of the buffer zone. Attorney Brunero referred to some undated aerial maps and there was discussion. Mrs. Brunero stated that there are big mounds of dirt and rocks that have fallen into her yard. Attorney Brunero noted that another developer started the work and that his applicant can't take responsibility, but that they will remove all the rocks and revegetate this to make it aesthetically pleasing for their project. He noted that this is part of the construction plan.

Chairman Ward asked Mrs. Brunero if her property corners are marked. There was discussion. It was noted that DiPrete Engineering can set the points. Chairman Ward asked if they can set the bounds and make sure that there is a buffer as far as the 50 feet, and add landscaping if required. There was discussion. Mr. Boyer suggested that the easiest way to do this is to put the monuments in so the Board can tell what is what. There was further discussion about the property line and the buffer location. Chairman Ward asked again if the applicant will add additional buffer if it is required. Mr. Kent replied that they will do whatever is reasonable and that if the previous owner dumped material onto the abutter's property it will be cleaned because it is in his best interest to have a buffer for his development. There was discussion on setting the points with stakes.

Attorney Russo noted his client appreciates what Mr. Kent said about the buffer and the installation of additional vegetation. He asked for clarification of the specifics on the vegetation and asked for 10 foot pines 10 feet on center for his clients. Attorney Brunero responded that being so, that this project was known when Attorney Russo's client purchased the property. Chairman Ward noted that there needs to be an amicable resolution and noted that there is some need for buffering. He explained that he is not sure if it is going to be to the extent that the abutter is asking for, or to the amount the applicant perceives is reasonable. Attorney Brunero acknowledged that the Board has the authority to impose reasonable buffers. Chairman Ward noted that this is going to be difficult to assess what is needed for the buffer until the points are

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

established. There was further discussion on marking the property line and the 50 foot buffer so that the Board can do a site visit after it is flagged.

Attorney Russo noted the last two issues his clients have are concerns for their septic, which is 10 feet from the property line, and their well which is 40 feet from the property line. He noted that the concerns are that during the construction phase and subsequent to that, runoff, blasting, or digging of foundations are going to disturb their well and septic system. Chairman Ward indicated that he works in the construction industry and that he is not aware of any ledge on the property, noting that it is all gravel. He noted that you don't get those degrading aspects digging in gravel for this type of operation. He noted that he understands the concern and that it is on the record. Attorney Russo asked that the developer make available to his clients the sewer line and the water line. Attorney Brunero responded that they can hook up any time because the water line is already in the road.

Mrs. Brunero expressed concern that her well is operational right now and questioned what happens if her well goes dry because of all the construction work. Chairman Ward explained that the well is not going to go dry because of the construction work, disclaiming that he can't definitively guarantee that, but that he doesn't see anything that could possibly adversely affect the well, noting that there is no ledge and no blasting, but that if something did, there is a water line in front that they could connect to at their own expense. Mrs. Brunero noted that when they purchased the property, they knew that the construction was going to happen at some time, but that in the Master Plan, her house was purchased and so figured that when the construction started that the developer would buy her property and the Lepre property. Chairman Ward clarified that there was a purchase and sales agreement that was signed, and then Mr. Cambio backed out of it so that it reverted back to the family.

Mr. Tom Lepre, 53 Division Road, stated that when the zoning was taking place, it was mentioned many times in the minutes of those meetings that Mr. Cambio had a purchase and sales agreements on both properties, and noted that someone zoned his property as SRD at the same time, and that his property was part of Phase 1. He asked if they are continuing part of Phase 1, shouldn't the two properties be continued as Phase 1. Chairman Ward stated no, because they later asked for a zone change (to go back to Highway Business), and that is what they got. [Note for the record, Mr. Tom Lepre was not the property owner at the time of the 2008 purchase and sales agreement with Mr. Cambio—it was his parents' property.]

Mr. Tom Lepre, referred to the 75 foot buffer along Division Road, asked why he can't get the same concessions along his property line where there will be new houses. Chairman Ward noted that the Board is already addressing this matter and that the Board will not decide on this until they see the property line points.

Attorney Brunero asked to clarify the chain of title of what took place. He explained that Mr. Cambio, and one of his entities, owned this project, however it was owned subject to a mortgage to Ted Lawson. He noted that there was a purchase and sales agreement with the Lepre's (who owned both abutting properties at the time) by Mr. Cambio. He noted that Mr. Cambio went into default on everything, and that Mr. Lawson foreclosed, and by mortgagee's deed, took the property back. Attorney Brunero explained that Mr. Lawson owned everything but the Lepre properties, because he was never involved with them. He noted that Mr. Lawson then sold it to

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

his client. He reiterated that his client bought only what Mr. Lawson had and explained that the history of the Lepre properties being part of the project is not what his client purchased, nor could they have purchased it. Chairman Ward noted that he understands.

Mr. Lepre stated that if there was not a purchase and sales agreement during the zone change of the property there would have been opposition from his family, but because there was a purchase and sales agreement, there was no opposition, and so there was no consideration for a buffer zone. Chairman Ward noted this is not an argument before the Board because the Lepre property is zoned Commercial and the project is zoned Senior Residential and that is what the Board is going on.

Attorney Brunero addressed the request for a sewer line and stated that if he had to run a sewer line from their house to the pump station through the development, he can't guarantee that the sewer line will be maintained properly, and noted that if the Town wants to take the sewer they have the right to, but that his client is not going to make a private agreement with someone. Chairman Ward noted that he stated before that such a request would be at the Town's consent and that it would include an agreement that others could join on the sewer and become part of the Association, and that it would all have to be with the Town Council's approval and the expense would be borne by the party tying in, not the developer. He stated that he sees no need for providing a sewer service for a lot with a functioning septic system.

Attorney Russo asked if the septic system were to fail, could his client have access to the sewer line that the developer is putting in. Chairman Ward noted that they would have to prove that the failure was based upon the applicant's work and he doesn't see how that could be possible. Mrs. Brunero stated that it is possible because the septic system has been functioning since she has been there with no problems and questioned if it starts to fail with only two people living in the house. Mr. Boyer asked how old the system is. Mrs. Brunero noted it is as old as the house, which was built in 1956. Mr. Boyer explained that the system is well beyond its useful life. Mrs. Brunero stated that it is not and that it works fine. Mr. Boyer explained that by current standards, it is well beyond its useful life. There was discussion and it was noted that it is possibly a cesspool. Mrs. Brunero stated that it is. Chairman Ward noted that they would have to prove that the failure was based upon something the applicant did. Attorney Russo asked if the applicant will grant his client permission to tie into the sewer line if their septic system fails. Attorney Brunero stated no, unless the Town Council authorizes it. Chairman Ward noted that this is a stipulation he requested, but needs to talk this over with the Town Solicitor before this is imposed. Solicitor Ursillo noted that the Town Council may not be interested in this at all. Chairman Ward noted he wanted the option open in case a necessity did arise.

Attorney Brunero stated that there is a State Law that finds that cesspools are considered dangerous to the environment and that they are all considered deficient, and noted that there is a push to have them all replaced. He noted that if this was a new septic system and something happened, it would be obvious, but since this is from 1957, it is way beyond its time. He stated that for his client to be responsible for something that is 50 years old is totally unreasonable.

Chairman Ward polled the Board regarding the request from the abutter to tie into the sewer in the development. Mr. Berry noted that it doesn't make sense. Mr. Boyer stated no. Mr. Regan

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

indicated no. Mr. Wallace stated no. Mr. Bryan stated no. Attorney Russo thanked the Board and stated that he has no further concerns on behalf of his client.

Mr. Brunero indicated that he has concluded his presentation.

There was discussion on coordinating the posting of the property line points and having a site visit to see the property line so that the Board can evaluate the quality of the buffer. It was determined that this would not be a meeting and that the Board members can go out there independently. Mr. Cotta, consulting engineer for the Town, noted he can go out there too. Mrs. Brunero gave permission for the Board members to be meandering around the property line.

Chairman Ward asked if there were any other questions from the public.

Suzanne Martin, 21 Carrs Pond Road, asked when the construction will start. Mr. Kent responded that they will start almost immediately after the decision and that they plan on starting as quickly as the Town allows. Mrs. Martin asked how long the whole thing could take. Mr. Kent noted it could take 3 years.

Dale Williams, Division Road, questioned if it had to be done by January 2016 based on what was said earlier. Attorney Brunero noted it does not and clarified that it was the Master Plan approval that was good until 2016 and explained that now there is another two year period with the Preliminary Plan.

Chairman Ward asked about the request for the model homes. Attorney Brunero noted that his client would like to put up three model homes wherever will be most convenient so that there is something to show potential buyers. It was noted that they would be as close to the entrance as possible. Mr. Kent explained that there are three style homes—a single, a duplex, and a triplex and that he is looking to do three models—one of each. The Board asked for clarification if it was three units, or three structures. It was noted it was six units total. There was discussion. Mr. Kent explained that a triplex is the same as a duplex except for the center unit, and explained that he would keep a center unit as a model, at least one end unit as a model, and a single family. He noted that he can't convey title until his road is done and the bond is in place. Chairman Ward clarified that a Certificate of Occupancy would not be issued until all of those safeguards are in place. Mr. Kent agreed. Mr. Kent noted that they need to have at least the three. There was discussion.

Mr. Berry asked how the phasing will work. Mr. Russo, PE pointed to the three proposed Phases on the plan.

Attorney Brunero explained that the infrastructure is going to be done for all three phases in one shot, and the construction of the units themselves will be constructed in Phases.

Chairman Ward asked if there are any further comments on this matter. No one commented. Chairman Ward asked if the public hearing could be closed. Attorney Brunero and Attorney Russo confirmed.

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

WEST GREENWICH
April 20, 2015
PLANNING BOARD MEETING

Chairman Ward announced that the Board needs to deliberate amongst themselves. It was noted that there is no draft motion with findings of fact, and that there are a number of criteria that the Board needs to address. It was noted that the Board also wants to go out and look at the property line. Chairman Ward entertained a special meeting and asked Ms. Paquet how long it would take for her to put a draft motion together. Ms. Paquet noted that she would need to do the minutes first to make sure she gets all of the information that was discussed which would take at least a week. There was discussion on setting a meeting date. Mr. Bryan noted that the Board needs to keep in mind that there is additional engineering work that needs to be developed and submitted, as well as the visits to the site, and that he doesn't think that it is going to be done in a week.

Motion to continue the matter for a decision to May 4th at 7:00 p.m. Boyer-Berry (5-0).

PLANNING PROJECTS

Wind Power Ordinance

-discussion on current information and draft regulations; set a workshop date

Continued to the May 18th meeting.

Comprehensive Plan Update

-Consider issuing request for qualifications or request for proposals

Continued to the May 18th meeting.

REPORTS AND SPECIAL ITEMS

Solicitor Ursillo noted that an agreement was being made with the applicant for the East Greenwich Parcel.

COMMENTS BY BOARD MEMBERS

none

ADJOURNMENT

Motion to adjourn. Boyer-Regan (5-0). The meeting ended at 9:10 p.m.

WEST GREENWICH

May 4, 2015

PLANNING BOARD SPECIAL MEETING

A special meeting of the West Greenwich Planning Board was held on Monday, May 4, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, Mark Boyer, and Alternate Brian Wallace. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet was present. Town Consulting Engineer, Dan Cotta, PE, PLS of American Engineering was also present. Chairman Ward called the meeting to order at 7:06 p.m.

It was determined that there was a quorum.

Major Residential Land Development Project: Preliminary Plan Deliberation and Decision "Cedar Ridge" – AP 1, Lot 10-3

--off New London Turnpike: new privately owned roads and condominium dwellings of single, double, and triple unit structures proposed

Zoning: Senior Residential; 13.5% affordability requirement; age restriction to 55 and older

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

Note: Public Hearing was closed on April 20, 2015

Applicants Michael Kent and Jonathan Kent were present in the audience. Eric Prive, PE with DiPrete Engineering, was also present for the applicant.

Attorney John A. Brunero, Jr., for the applicant, approached the Board.

Chairman Ward announced that he has given a copy of the prepared draft motion to both Mr. Brunero the applicant's attorney, and one to Mr. Brunero, the abutting property owner. Chairman Ward asked both men if there were any items of concern in the draft motion. Mr. Brunero the abutting property owner indicated that there was nothing of concern in the draft motion. Attorney Brunero noted that his cousin Mark and the developer have met and come up with a game plan for the planting of some trees at the property line and encouraged the Planning Board to incorporate this into the motion.

Discussion began on the prepared draft motion. Attorney Brunero noted there were two things he would like to have addressed. He discussed estate planning and suggested a change to number 7 that no one could ever occupy the units under age 55. He noted this would keep the spirit and intent of the Senior Residential District, without putting a stifle on estate planning. For the second item, Attorney Brunero expressed concern with item 8 for a crosswalk and suggested a brief presentation to RIDOT to see if it would be considered before it is designed. Mr. Boyer noted that an application would need to be submitted to RIDOT, but if for some reason it gets denied, it would not hold them up.

Attorney Brunero discussed the drift way of Graves Lane that was installed in the 1960's and noted the property was owned by a man named Spike Gillespie. He noted that Mr. Gillespie owned from Greenbush in West Warwick all the way through Coventry to a gravel bank. He noted it is like a paper street and has the same rights to be abandoned. He noted it serves no useful purpose and requested that the approval be subject to the abandonment of Graves Lane, or at least someone should research it to find out what it actually is. Chairman Ward questioned whether it was the Town Council's jurisdiction, but saw no issue with this request.

WEST GREENWICH
May 4, 2015
PLANNING BOARD SPECIAL MEETING

Chairman Ward announced for the record that both parties were given the opportunity to speak on the draft motion which was not ready at the last public meeting, and that therefore those comments were just advisory. He noted that at this point the Board will deliberate and that there will be no further comments, except from the Board members, staff, and Town attorney. (Note for the record that the Town attorney was not present.)

Mr. Berry asked about the agreement that was reached between the applicant and the abutter. It was noted that this will be incorporated into the motion.

Mr. Mark Brunero noted that he met with Mr. Jonathan Kent about a 50 foot buffer, and to use the existing berm on Graves Lane if possible, with trees in place about 8 feet apart, starting at the 75 foot buffer zone from Division Street up along to the end of the property line. There was discussion on the buffer plantings. It was noted that a Landscaping Plan will need to be submitted for this.

The Board discussed item 7 and the concern for estate planning, and it was noted that the Town Solicitor will need to review the revised language.

Mr. Berry referred to item 5 and noted to add that the electric be underground.

Chairman Ward and Mr. Boyer noted item 8 will reflect that there needs to be an application to and an approval by RIDOT.

It was noted to reiterate the Town Council's requirement for the 75 foot buffer along Division Street.

Chairman Ward announced he went out for a site visit along with Mr. Boyer and the Town engineer and that they agreed that a buffer is required. He noted that the two parties have also agreed upon a buffer. He noted that a rudimentary plan has been drawn up that the parties agree upon and noted that it shows the plantings in Graves Lane and that there should be a stipulation that if the plantings are going to be in Graves Lane, that the driftway has to be abandoned in accordance with law.

Chairman Ward noted item 14 should include the property owners' association.

Chairman Ward noted that for item 15, as-built plans have a tendency to get lost and there should be a stipulation that one as-built plan for all of the infrastructure improvements gets recorded in Land Evidence so that there is a definitive plan that can be referred to in the future.

Chairman Ward referred to item 18 and noted to include that this pertains to all the exterior lights on the buildings as well.

Chairman Ward referred to item 4 and asked Ms. Paquet if the Town was going to hire an engineer to review this. Mr. Boyer noted that the sewer authority has engineers to review this.

WEST GREENWICH

May 4, 2015

PLANNING BOARD SPECIAL MEETING

Mr. Berry referred to item 28 and noted that a hydrant plan should also be reviewed by the Fire Marshall or the authority having jurisdiction (AHJ).

Mr. Regan referred to item 29 and asked if there has been any progress on an agreement with the Town Council, noting that it seems the applicant wants to get started on construction right away. Attorney Brunero noted there have been discussions as to how this is going to play out, but that there is nothing in concrete. Chairman Ward expressed concern about the portion that is going to be publicly owned by the Town of West Greenwich under I-95 and noted it was his understanding that there would be an escrow account established before this moves forward. Attorney Brunero confirmed that there needs to be a number and that there was going to be a discussion between the Town Solicitor, Town Administrator, and Mr. Jim Geremia as to what that number would be.

Mr. Michael Kent explained that he met with Mr. Breene, Town Administrator about why they couldn't own the line within the public right-of-way and the deal was that the Town would own the line from his property line to where it ties in, and that he would maintain it. He noted that he would provide an escrow agreement. He noted that DiPrete Engineering has asked Mr. Geremia to come up with a number that would be suitable in the event of a repair. Mr. Prive, PE with DiPrete Engineering for the applicant, explained that they have done this and that it came out to \$12,500 and that they doubled it as a safety factor. Chairman Ward noted that the price now is one thing, and the price in thirty years is another. He noted that he would recommend to the Board that there be a stipulation that this agreement with the escrow must be established with the Town and posted in order for construction to go forward. The other Board members agreed.

Mr. Regan expressed concern that this agreement may hold up their construction because the applicant has expressed that they want to start immediately. He noted he wanted to make sure that they have started talking about this and that they are coming to a conclusion on it. Attorney Brunero noted that they already have approval to start doing some earth removal at their own risk. Chairman Ward explained that he met with Mr. Kent along with the Town Engineer out there and that they did this in an effort to get the project moving forward and he has complied with those terms that were agreed upon on site, but as far as putting in utilities, the (escrow) agreements have to be in place prior to digging for utility construction. The Board agreed that this needs to be done before utility construction. It was clarified that the escrow is for the public portion under I-95, not for the Association to use within the development. Mr. Cotta questioned if something happens in the Town portion, that the escrow should only be there to cover the Town if the Association doesn't perform, like a bond. Ms. Paquet noted that these are the types of details that haven't been worked out yet. Attorney Brunero suggested that the Agreement should read that it is owned by the Town of West Greenwich, but that the Association should be responsible for any repairs, and if they fail to take immediate action then the Town has the authority to take the escrow funds and then bill the Association. Mr. Regan asked Mr. Kent if this is the way he understands it. Mr. Kent stated yes.

Chairman Ward discussed his thoughts about the sewer being extended to nearby parcels and suggested a condition that access to the sewer and water lines shall be granted upon Town Council approval. He noted that he realizes that this is a private system and that any utility extensions should become an equal paying member of the Association for any residential use per unit, and that if any commercial use is granted access it shall be charged per flow rate. He noted

WEST GREENWICH

May 4, 2015

PLANNING BOARD SPECIAL MEETING

that this would give the Town some development rights to the commercial parcel behind it and potentially that little triangle parcel where the cell tower used to be. Mr. Kent explained that these things are sized according to the usage and the bedrooms and expressed his concern that long after he sells out, the condo owners could be responsible to upgrade the sewer lift station because it can't handle the additional flow, and suggested if they want to add any language for any upgrades it should be paid for by the future users. There was discussion on the sewer infrastructure.

Chairman Ward noted he would like to add an additional stipulation that no sewer or water line can cross the Town line. He noted that the Town of East Greenwich is right there and he doesn't want to compound anything on there. He clarified that no utilities shall cross over into an abutting Town, except the force main, and further clarified that no gravity portions shall cross town lines. He noted that they can add language that any required infrastructure improvements as a result of tie-ins must be borne by the potential users. Mr. Kent agreed that they should pay for their fair share.

There was discussion on a finding of fact for the buffer.

Chairman Ward entertained a motion. During the motion, there was discussion on certain items.

Chairman Ward asked Mr. Cotta if he has any comments with respect to the written responses received from the applicant's engineer. Mr. Cotta noted he had received written responses today from DiPrete Engineering. He noted he would like to write a letter saying everything is fine. He noted he has a complete set of plans with revisions now. Chairman Ward asked Mr. Cotta if he feels confident at this point in time that they have addressed all of his concerns. Mr. Cotta noted there is one concern about the issue of the grades between the buildings. Chairman Ward noted his understanding is that it will be addressed with each building and that any problems that develop will be the developer's responsibility.

Chairman Ward suggested two conditions, items 34 and 35, pertaining to utility extensions, including language on how to allocate expenses for possible utility extensions and new users. Mr. Kent asked to have it based on number of bedrooms, not on a per unit basis in terms of how they pay. He noted that his project is all two bedrooms and it was based on flow. He noted that there should also be some consideration for the initial infrastructure that these people are paying for. There was discussion on changing it on usage, with consideration for a lot development fee for tying in. Chairman Ward explained West Warwick will assess pipe flow, but that his concern is maintenance for the system where the association will have to hire a private licensed water operator to do daily maintenance. Mr. Kent expressed concern that the more they use, the faster the infrastructure is going to wear out. He noted there should be a fee involved in doing this and no one should get a free ride. It was noted to have the Town Solicitor work out the language to address the potential aspects of a lot development fee to go to the association. Attorney Brunero noted that this can be addressed along with the agreement for the repairs and maintenance of the system about these future users and their responsibilities.

Mr. Cotta expressed concern with finding of fact item 10, and noted there are certain aspects he has not reviewed. Chairman Ward noted it was understood that the Town's engineer did not review sewer or water. Mr. Cotta expressed concern with him certifying anything. It was noted to change this to read 'in substantial conformance with the criteria.'

WEST GREENWICH
May 4, 2015
PLANNING BOARD SPECIAL MEETING

Motion to approve the Preliminary Plan application for the Cedar Ridge development off New London Turnpike at AP 1, Lot 10-3, consisting of the Preliminary Plan set Sheets 1 through 21, revised through 4/28/2015, prepared by DiPrete Engineering, prepared for Cedar Ridge West Greenwich, LLC, including the Alternate Layout to create a 50 foot buffer to abutting land, and a Landscaping Plan consisting of two sheets to be modified in accordance with the conditions below. This approval is subject to the following conditions:

1. That access to Division Street shall be for emergency purposes only, with an emergency gate subject to approval by the Fire Chief.
2. Approval conditioned upon approval for public water supply by Kent County Water Authority.
3. Approval conditioned upon approval for public sewerage treatment by West Warwick Sewer Authority.
4. Subject to approval from West Warwick Sewer Authority for review of sewer infrastructure design plans, installation and inspections, as- built plans, and capacity for treatment.
5. All infrastructure and utilities within the development shall be privately owned and maintained by the Condominium Association and all electrical and cable utilities shall be underground in accordance with the plan.
6. All units shall be provided with individual recycling and trash pick-up.
7. NOTE: to be revised by Town Solicitor (intent that all units within the development shall not be rented out or occupied by anyone under age 55.)
8. A cross-walk with signage shall be designed and submitted for approval to RIDOT for safe pedestrian access from the development to the public transportation stop located across the street on New London Turnpike.
9. A signage plan shall be submitted for review and approval by the Planning Board, and signage shall be designed to meet the Zoning Ordinance requirements.
10. The Landscaping Plan and grounds maintenance protocols shall ensure that fertilizers and pesticides are not overused or susceptible to washing out from irrigation.
11. A fifty- foot buffer shall be maintained between the applicant property and the existing residential property owned by the Bruneros. The applicant shall include a Landscaping Plan for plantings along that property line, and to include the berm and detailed plantings as discussed at the meeting. If the plantings are to be installed in Graves Lane, Graves Lane shall be abandoned in accordance with law prior to any construction.
12. At least 18 of the 127 dwelling units shall be designated as affordable units as shown on the plan and shall be dedicated with a deed restriction and monitored by an approved monitoring agent, and shall be affordable to moderate to low income households with an income of at or below eighty percent of area median income, and who shall also meet the minimum age requirement of the Senior Residential Zoning District. The term of affordability shall be a period of ninety-nine years.
13. The Condominium Association shall have the responsibility to verify to the Town upon each resale that the new occupant is aged 55 or older, which shall be included in the Condominium documents.
14. Roads and stormwater infrastructure shall be privately owned and maintained by the Condominium Association and property owners' association.

WEST GREENWICH

May 4, 2015

PLANNING BOARD SPECIAL MEETING

15. At least one full Set of approved plans and as-built plans shall be kept by the Association, including the Stormwater Operation and Maintenance program document. A second copy shall be recorded in the Land Evidence Records.
16. Property owner and Condominium Association shall sign a Stormwater Ownership and Maintenance Agreement between the land owner and the Town of West Greenwich.
17. Follow and address all comments from the Town's consulting engineer, with a response in writing and submit revised plans ready for construction as necessary (third memo from consulting engineer is forthcoming).
18. No lighting plan was submitted, and therefore, no lighting has been approved. Should any lighting be proposed in the future, it shall be fully shielded, downward directed, and not glare off surfaces, including lighting for individual units, and a lighting plan shall be submitted in accordance with the Zoning Ordinance for review by the town engineer and approval by the Planning Board. This also applies for any exterior lights on the buildings.
19. Ensure proper use and maintenance of the construction access at all times for all access points used during construction.
20. All best management practices shall be followed pertaining to any potential source of pollution on site as would be addressed in a Pollution Prevention Plan, including trash, recyclables, hazardous waste, concrete washout, fueling, spill prevention, port-a-johns, etc.
21. A construction fence shall be installed along the vicinity of AP 1, Lot 13 during the duration of the earth work heavy equipment construction, as agreed to during the hearing.
22. The no-cut buffers shall be protected during construction and shall be marked for perpetuity, including the 75-foot buffer along Division Street as indicated in the Zoning decision and the approved plan.
23. There shall be a maintenance plan to ensure protection of the no-cut buffers and protection of the dwelling units from overhangs and dead trees as part of the Condominium documents.
24. A pre-construction meeting is mandatory and must be scheduled prior to the start of any construction.
25. Construction of private infrastructure for road base and paving, and for drainage, and installation of erosion controls shall be subject to testing and inspections normally required by the Town of West Greenwich for public infrastructure.
26. The Town of West Greenwich shall not be responsible for the testing or inspection of sewer or water infrastructure.
27. Perform sight distance clearing at New London Turnpike and Division Street as noted in the Traffic Impact Study dated May 2008.
28. Fire Chief to approve road access throughout the site during construction, and all hydrant locations shall be approved by the Authority Having Jurisdiction (AHJ).
29. Subject to West Greenwich Town Council approval of an Agreement on maintenance and cost of maintenance responsibilities for the entire sewer line (both privately owned line and Town owned section) and pump stations, prior to the start of any utility construction.
30. That three model units shall be allowed in Phase 1, representing a typical unit found in a single structure, a duplex structure, and a triplex structure.
31. That construction of the dwelling units shall be in three Phases, as indicated on the approved Preliminary Plan, and shall include construction of the designated affordable units in each Phase as shown on the Preliminary Plan.

WEST GREENWICH

May 4, 2015

PLANNING BOARD SPECIAL MEETING

32. Final Review shall be by the Planning Board and may proceed in Phases as specified on the plan. As-built plans, certification by the design engineer that the infrastructure, including utilities, has been constructed in accordance with the approved plans, and all required supporting documents in accordance with the Final Plan checklist shall be included at final review.
33. This Preliminary approval does not include approval of the required legal documents, which shall meet all requirements, including a mechanism for ensuring that the units are occupied in accordance with the Zoning Ordinance, at Final application.
34. Access to the water and sewer lines shall be granted upon West Greenwich Town Council approval. The attorneys shall work out and have incorporated into the agreement how said utility extensions shall become paying members of the association and how any infrastructure improvements required for this expansion shall be paid for by the potential users. The language for this shall be reviewed by the Town Solicitor.
35. Utilities, with the exception of the force main, cannot cross the Town line.

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

1. That the property is zoned Senior Residential District, which provides for a minimum of 13.5% affordable housing, and an age restriction for the owner-inhabitants of the development to age 55 and older, in accordance with the Zoning Ordinance.
2. That there will not be an adverse effect on local traffic capacity or safety as a result of this development, based upon the 2008 traffic impact study and the testimony of Mr. Paul Bannon of RAB Engineering, Inc. on April 20, 2015 of the updated traffic study and findings.
3. That the proposed residential development is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map, which designates this area of Town for Senior Residential Development.
4. That the development conforms to the standards and provision of the West Greenwich Zoning Ordinance, including maximum impervious coverage, maximum building lot coverage, and dimensional yard setbacks and building heights.
5. That there will be no known significant negative environmental impacts from the proposed development as shown on the preliminary plan, with all required conditions for approval;
6. That the development, as proposed, and with conditions of approval, will not result in the creation of individual dwelling sites with such physical constraints to development that building on those sites according to pertinent regulations and building standards would be impracticable.
7. That the proposed development has adequate and permanent legal access to a public street named New London Turnpike.
8. That the development, with condition of approval for a cross walk with signage, will provide for safe circulation of pedestrian traffic.
9. That the development provides for surface water runoff control as shown on the Preliminary Plan.
10. That the design and location of buildings, utilities, and other improvements in the proposed development shall minimize flooding and soil erosion, as evidence by a Stormwater Management Plan and a Soil Erosion and Sediment Control plan that have been submitted as required by the Land Development and Subdivision Regulations.

WEST GREENWICH

May 4, 2015

PLANNING BOARD SPECIAL MEETING

These documents and plans have been reviewed by the Town's consulting Engineer, and have been determined to be in substantial conformance with the criteria of the State and local requirements.

11. Buffers are required between the existing Brunero residence as well as along Division Street.

Motion by Berry, seconded by Boyer. All in favor (5-0).

ADJOURNMENT

Motion to adjourn. Boyer-Regan (5-0). The meeting ended at 8:02 p.m.

WEST GREENWICH
May 18, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, May 18, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:01 p.m.), David Berry, and Alternates Bill Bryan and Brian Wallace (both voting). Secretary Tim Regan and Mark Boyer were absent.

Assistant Town Solicitor Amy Goins and Town Planner Jennifer Paquet 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)

March 16, 2015 Regular Meeting

April 20, 2015 Regular Meeting

**Request for Bond Release and
Recommendation to Town Council for road acceptance (CA)**

Hoxsie Farms- off Robin Hollow Rd.

Motion to remove the Hoxsie Farms bond item off the Consent Agenda. Berry-Bryan (4-0)

Motion to approve the remaining Consent Agenda for minutes. Berry-Wallace (4-0)

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

Minor Development Plan: Construction status, cont.;

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

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

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

--Status of completion of improvements to site and construction update

Mr. Ray Roch approached the Board. Chairman Ward acknowledged that Mr. Roch has signed into an agreement for the construction. Mr. Roch thanked the Board for their patience and noted that the project turned out to be a much bigger project than he anticipated and that he underestimated the costs. He noted that the project is on schedule. Mr. Roch passed out two pictures of the construction underway on the property, and discussed some of the construction aspects. Chairman Ward asked Mr. Roch if he is satisfied with the work that is being done. Mr. Roch stated yes. Chairman Ward asked Mr. Roch if he anticipates having all the plantings done by the end of this growing season on June 15th, and if not, before the Fall season ends before winter sets in. Mr. Roch stated yes, and asked if there were any other plantings the Board would like him to do. Chairman Ward noted it is whatever was approved on the plan. Mr. Roch questioned if grass can grow now. Chairman Ward noted the Board wants it done before winter. Ms. Paquet cautioned to make sure the slope is stabilized to prevent sediment from eroding into

WEST GREENWICH
May 18, 2015
PLANNING BOARD MEETING

the finished drainage improvements. The Board advised Mr. Roch to talk to his designer and contractor about this.

Chairman Ward noted he is satisfied. Chairman Ward noted he could swing out there to see if it is all done and report back to the Board. It was noted another follow-up is due for the August meeting.

Amendments to Land Development and Subdivision Regulations- Public Hearing, cont.
-discussion and vote on proposed amendments

There was discussion. It was noted that this had been continued for a few months. The Board members reviewed the changes. No one was present in the audience for this item. It was noted that the proposed changes had already been reviewed by the Town Solicitor's office.

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

Motion to approve the proposed changes of amendments to the Land Development and Subdivision Regulations as presented on the draft dated January 2015, as revised continued to the February 2015 meeting as noted in the heading. Berry-O'Loughlin (5-0).

Wind Power Ordinance

-discussion on current information and draft regulations; set a workshop date

The Board discussed whether to have a special meeting or just put this on for the June meeting. It was decided to put this on for the June meeting and to resend the proposed ordinance with materials to be prepared for a discussion.

Comprehensive Plan Update

-Consider issuing request for proposals

Ms. Paquet noted she will check to see what was proposed for the budget for this. She noted she was working on a detailed RFP and that Mr. Regan was helping her with this.

Proposed Legislation pertaining to Statewide Planning Program, State Guide Plans, and Local Comprehensive Planning

H-5713 & S-819; H-6040 & S-816; H-6041, H-6042 & S-820; H-6043 & S-818

Ms. Paquet discussed some of the changes that are proposed. Ms. Goins noted it is difficult to assess the likelihood of passage.

ADJOURNMENT

Motion to adjourn. Berry-O'Loughlin (5-0). The meeting ended at 7:32 p.m.

WEST GREENWICH

June 15, 2015

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, June 15, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan David Berry, Mark Boyer, and Alternate Brian Wallace. Alternate Bill Bryan was absent. Assistant Town Solicitor Amy Goins and Town Planner Jennifer Paquet 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)

May 4, 2015 Special Meeting

May 18, 2015 Regular Meeting

Request for Bond Release and Recommendation to Town Council for road acceptance (CA)

Hoxsie Farms- off Robin Hollow Rd.

Motion to remove the Hoxsie Farms bond item off the Consent Agenda.
Boyer-O'Loughlin (5-0)

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

OLD BUSINESS

Status of Project:

Major Land Development Project: (Master Plan approved on December 15, 2014)

“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)

--Request for update on status of project improvements and next application stage

Attorney John A. Pagliarini, Jr. approached the Board. Mr. Walter Fouche, from TA, was present in the audience.

Mr. Pagliarini noted that what hurt them was that their lead engineer is now the Director of the Department of Transportation and this has had an impact on the project. He noted that they are still trying to secure the services of an engineering firm to do the State permits for the stormwater and the wetlands. He noted that the noise study is complete and that the noise consultant is here tonight if the Board would like an update on what the findings are. He noted that in addition, they are trying to determine the best way to alleviate some of the safety concerns that exist on the site. He discussed obtaining land from the abutting parcel owner for the moving

WEST GREENWICH
June 15, 2015
PLANNING BOARD MEETING

of Breakheart Hill Road. He noted that they will probably also request some further phasing for the gas station parking lot.

Mr. Kevin Breene, Town Administrator, present in the audience, stated for the record that he and Council President met just prior to the meeting tonight with Mr. Pagliarini and Mr. Fouche in an effort to try to get this thing moving and get the road relocated and the other things that are supposed to happen there. He noted that he didn't want anyone to think that they were meeting behind closed doors, but that they didn't realize that others were going to be in the room so that is why they went into his office.

Chairman Ward gave the floor to the noise consultant, and noted that the presentation would need to be given again for the future public hearing. There were people in the audience present for this agenda item. Mr. Cote presented his findings from the noise study. He explained that the modelling matched pretty closely to the field conditions.

Mr. Boyer asked if there were any measurements taken from people's properties like was talked about at the last presentation. Mr. Pagliarini stated that it was not done because upper management had concerns of liability, and that another deciding factor was that there was a concern because the Town Ordinance states the decibel levels are at the property line. The Board had some clarifying questions. The presentation materials were submitted for the file and marked as drafts. Chairman Ward reiterated that this presentation was for information purposes only and is not a public hearing. He noted that if there are any questions, Mr. Cote will be coming back for public testimony at that point in time.

Mr. Pagliarini continued with the update. He noted that there has also been a lag with moving the telephone pole in front of the diesel pumps. He noted that when they come back for the next phase that they would like to take a few things out of sequence. He noted that they would like to put new lighting in the parking lots and direction signs as needed. He questioned if there is more noise being generated due to the condition of the parking lot which has a lot of ruts and bumps and noted that they would like to repave this area, but don't know if they can do it as maintenance or if they need stormwater approval. He noted they want to take care of the back truck parking lot sooner rather than later. Ms. Paquet asked if this is the section that was part of the truck stop or the part that was the unauthorized expansion. Mr. Pagliarini noted it is a little bit of both. Chairman Ward noted that to extend out would be a bad faith effort on a Board that has represented to the public that that was not to be done at that stage.

Chairman Ward expressed that he has grave concerns about the timeliness of the road relocation and asked to have this move forward. He noted that this has to be prioritized. Mr. Pagliarini noted that he will relay this back to TA that moving Breakheart Hill Road is priority number one, and noted that they understand that this is a safety aspect.

Chairman Ward opened the meeting to comment from the audience.

Mr. Holmander, Breakheart Hill Road, noted his concern that the parking lot looks like the road and noted that he was elated when he heard that they were going to move the road and noted that he can't wait.

WEST GREENWICH

June 15, 2015

PLANNING BOARD MEETING

Council President Mark Tourgee stated that he had a discussion with TA tonight and noted that it has been going on for two years and that they have made it quite clear to the TA representative and Attorney Pagliarini that we would like to see the road get completed and also see the turning lane get completed. He noted that they have gotten significant complaints from Town residents and that one of the main concerns is safety of that road, especially the trailer trucks going left of center. He stated that he thinks the Town has been more than cooperative with them over the last couple of years. He noted that they made it quite clear that this is the Town's main concern that that gets done this year. He noted that this is what was discussed with them earlier tonight.

Town Administrator Breene pointed out that the RIDOT has already approved the relocation of the road and that the only thing standing in the way is the will to get it done. He noted that once that happens, everything else will fall into place better.

Chairman Ward reiterated that the big thing is the road and getting that going. He noted that the primary aspect at this time is the relocation of the road and the turning lane and that this is a priority more than anything else that needs to be done there.

Major Residential Land Development Project: Preliminary Plan

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

--off Hopkins Hill Road: new town road with drainage, and 12 house lots;

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

-set Public Hearing Date

Board member Mark Boyer recused himself for this agenda item, and left the meeting.

Mr. Wallace shall vote.

Attorney John Brunero, Jr. approached the Board. Mr. Timothy Behan, PE for the applicant and Mr. Joseph Catelli, applicant, were present in the audience.

Mr. Brunero noted that they were last before the Board in April of 2014 for the Master Plan approval. Mr. Brunero discussed the application items that were submitted and acknowledged that the application has not been deemed complete. Mr. Brunero noted a discrepancy of the radius on the cul-de-sac of what the Fire Chief is requesting. There was discussion. Mr. Brunero suggested a meeting with the neighbors adjacent to where the new road will be going to discuss a mutually agreeable plan for a fence or trees. Chairman Ward suggested meeting out there with a few Board members. The Board discussed available times.

Ms. Paquet noted that the comments from the Town's consulting engineer are expected soon.

It was noted that if the outstanding items are submitted by Thursday that the Town Planner could schedule the hearing.

Motion to schedule the public hearing for the July meeting provided that the 2 outstanding items are submitted by noon on Thursday. Berry-Regan (5-0).

WEST GREENWICH
June 15, 2015
PLANNING BOARD MEETING

PLANNING PROJECTS

Wind Power Ordinance

-discussion on current information and draft regulations; set a workshop date

There was discussion. Mr. Regan asked to have an action agenda for this workshop. It was decided to set a date in August for a possible September workshop.

Comprehensive Plan Update

-Consider issuing request for proposals

Ms. Paquet noted she is ready to tighten up the draft. Mr. Regan offered to review it.

ADJOURNMENT

Motion to adjourn. Berry-Wallace (5-0). The meeting ended at 8:19 p.m.

WEST GREENWICH

July 20, 2015

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, July 20, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, David Berry, and Alternates Brian Wallace and Bill Bryan. Secretary Tim Regan and Mark Boyer were absent. Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet were present. Town's consulting Engineer Dan Cotta, PE, PLS from American Engineering was also 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)

June 15, 2015

Request for Bond Release and Recommendation to Town Council for road acceptance (CA)

Hoxsie Farms- off Robin Hollow Rd.

Motion to remove the Hoxsie Farms bond item off the Consent Agenda.
O'Loughlin-Berry (5-0)

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

NEW BUSINESS

Major Residential Land Development Project: **Preliminary Plan Public Hearing**
"Pine Estates, Phase 2" – AP 53, Lot 5-1

--off Hopkins Hill Road: new town road with drainage, and 12 house lots;
Owner/ Applicant: Shoreline Properties, Inc. (Joseph Catelli)

Attorney John Brunero, Jr. approached the Board. Also present for the applicant were Tim Behan, PE with Commonwealth Engineering and Michael McCormick, PLS of Alpha Associates. Mr. Joe Catelli was also present in the audience.

Attorney Brunero explained that the project has Master Plan approval and is here tonight for Preliminary Plan review. He noted that this is a 12 lot conventional subdivision and includes an extension of a previously approved 5-lot subdivision and road which is currently under construction. He noted it is RFR-2 acre zoning and that there are no variance or waivers being requested. He noted that they have a Wetland Edge Verification, the RIDEM Insignificant Alteration Permit, the RIPDES permit approval, and approval from RIDEM for subdivision suitability and noted they will be installing private wells and onsite wastewater treatment systems. He noted that a traffic analysis has been submitted, which called for some vegetation clearing at the roadway.

WEST GREENWICH

July 20, 2015

PLANNING BOARD MEETING

Mr. Brunero discussed that the fire cistern will be installed in consultation with the Fire Chief. He noted that he has submitted to the Town Planner the draft highway deeds, drainage easement, and fire cistern deed.

Referring to the Town Planner's memo, Mr. Brunero noted that the stump dump will be removed from the plan. He noted that the existing cul-de-sac has two defeasible easements which will be deeded off to the abutters and the area will be saw-cut, loamed and seeded to make the road straight. He noted that this is a common practice when you have a phased development.

Mr. Brunero noted that there is a proposed Administrative Subdivision with a neighbor which can be recorded separately. He noted that it would result in no significant change to the proposed Lots 7 and 8, as they will still have well in excess of the required square footage.

Mr. Brunero called Mr. Behan to discuss the drainage on the site.

Mr. Timothy Behan, PE with Commonwealth Engineers approached the Board. Mr. Behan explained the proposed subdivision depicted on sheet 6 of the plan. He pointed out the road layout and the drainage divide. Mr. Behan discussed that the drainage has been calculated to do the pre- and post- drainage numbers for the two areas. He noted that runoff will be collected with catch basins and pipes, and brought to a facility located near lots 6 and 7 to detain and treat the water prior to discharge off-site. He noted there is also a proposed detention and infiltration system located near lot 12. Mr. Behan noted that at the Master Plan meeting there were comments from one of the neighbors and pointed to the location on the map. He explained that the concern was a hole in the neighbor's backyard and that during very large storm events it fills up and creates a nuisance. He noted that his client has agreed to provide and overflow pipe to relieve the situation and pointed to the pipe and the discharge area on the plan.

Mr. Berry asked if the drainage easement is part of lot 12. Mr. Behan noted that was correct.

Mr. Brunero noted that Lot 11 is a 55-acre lot and that it is a buildable lot. He noted it may be one parcel if someone buys it, or it could be a subdivision and they would come back in the future. Mr. Ward asked how much frontage that lot has. Mr. McCormick noted it is over 330 feet.

Mr. Brunero noted that at the Master Plan review, there was also a concern by the two owners at the proposed new entrance—the Hunt's and the Leary's. Mr. Joe Catelli explained that he met with both neighbors and that he had the surveyor go out and stake the road out. He noted that there were no encroachments and noted that the big rock with the address number on it is not in the way. He explained that they are going to open up the existing stonewall and try to do something nice with it for the entrance, like clean up the ends. Mr. Ward noted that the Board would like some aesthetic accommodations at the new entrance and asked Mr. Catelli to think about some ideas during the meeting.

Mr. Berry, referring to the two existing lots at the new entrance, asked if there is a need for any shielding of headlights for when cars are coming in and going out. Mr. Mike McCormick, PLS, explained that the houses are set back pretty dramatically and that there is existing trees and brush in the way. Mr. Brian Igoe, abutter, expressed concern for headlights going into the house

WEST GREENWICH

July 20, 2015

PLANNING BOARD MEETING

across the street. Mr. McCormick noted the exiting traffic onto Hopkins Hill Road is skewed from the driveway across the street and would face the mailbox.

Mr. Ward asked if anyone on the Board had any more questions.

Mr. Ward pointed out that when they saw cut the existing cul-de-sac, they should put in Cape Cod berms. Mr. Brunero noted that is reasonable. Mr. Ward noted that they have agreed that the stump dump will be eliminated. Mr. Brunero concurred. Mr. Ward asked Mr. Cotta, PE for the Town, if he had any other concerns or if his previous concerns have been addressed. Mr. Cotta noted that he has not seen the revised plan or revised drainage calculations. Mr. Ward noted that any approval will need to be subject to the engineer's review and approval.

Mr. Brunero noted that they will construct the infrastructure and will come back for approval before the final plan is recorded. He added that they will construct the binder pavement, then do the houses, and then do the finish coat on the road after it is done. Mr. Ward noted that if they change this sequence they will need to come back for another public hearing. It was noted that the bonding will need to be worked out later.

Mr. O'Loughlin asked if any wetland crossing has been applied for on the 55 acre lot. Mr. Brunero noted it has not.

Mr. O'Loughlin asked if there are proposed road names. Mr. McCormick noted that they have extended Bentley Farm Road and that during his land evidence research, he frequently came across the name Silas Wells, who owned a lot of land in this area. He noted that this is the name he proposed for the Board to consider. It was noted that this road has no homes on it, and it will only be an access road. It was noted that the Town could change this.

Mr. Ward asked if any other Board members had questions. Mr. Ward opened the meeting to public comment and asked that no redundant statements be made, but that people can indicate that they concur with previous statements.

Mr. Dean Holt, 859 Hopkins Hill Road, noted all the houses on Hopkins Hill road have wells, including his own. He asked what assurance there is that with all these new houses going in if there is no water left in his well. Chairman Ward replied that unfortunately, they are allowed to get the water that is under their land, and if it adversely impacts someone else, there is nothing that the Board can do. He expressed that he hates to be the bearer of bad news, but that this is the way the system works. Mr. Holt asked if anyone has been able to say that there is enough water and that the existing homes will not be impacted. Mr. Ward noted that it was not required. Mr. Brunero explained that RIDEM has always approved the well water on two acres as being more than sufficient to provide for water for a residential use, and gave an example. He noted that he cannot guarantee that anyone's well will not go dry tomorrow with no development occurring.

Mr. Ward noted that there was no study required for this project. Mr. Holt expressed concern of houses being worthless if all these houses go in and drain the water. Mr. O'Loughlin explained that there is a town ordinance where they have to drill a well before they get a building permit to prove that the well is producing. He noted he can't say what that may do to Mr. Holt's well, but that it protects the new houses. Mr. Holt asked if he would need to have a lawsuit. Mr. Ward

WEST GREENWICH

July 20, 2015

PLANNING BOARD MEETING

explained that it is a hard thing to say, but that this Board is not empowered to do anything for Mr. Holt if it adversely impacts him. Town Solicitor Ursillo explained that it would have to go to court and Mr. Holt would have to prove that he lost water as a result of a neighbor. Mr. O'Loughlin explained that he was in the same boat when a development went in next to his property. Mr. Holt asks how he will know that if they drill a well for a new house that the water isn't coming from his house. Mr. Ward noted that no one can answer that question. Mr. Ward noted that looking at the wetland and the contours of the land that he feels it is a remote possibility and that the Board needs to move on to another matter.

Mr. Holt explained that Hopkins Hill Road is well travelled and that since they paved the road out to Route 102 the speeding there is unbelievable. He asked what is going to be done with respect to the road not being able to handle that kind of traffic. Mr. Ward asked Mr. Holt to clarify what indicates that the road is not able to handle the traffic. Mr. Holt explained that the traffic has increased because they paved it out to Route 102 significantly and that the speeding has gotten terrible. He asked what 40 more cars are going to do. He asked if anyone has given any considerations as to the adequacy of Hopkins Hill Road as it is. Mr. Ward noted that for this size subdivision, the Board is looking for sight distance for the new road. He noted that he doesn't see any problems with the increased traffic on Hopkins Hill Road. He noted that speeding is not an issue for this Board and that it is a police and enforcement issue. He explained to Mr. Holt that he knows that these are not answers that he wants to hear, but this is what the Board has to say.

Mr. Dan Novak, 929 Hopkins Hill Road, noted he has faith in the Planning Board to address the proper questions such as drainage, etc. Mr. Novak noted that he echoes Mr. Holt's concerns about well water and traffic, and noted that he has a dug well and feels especially vulnerable. Mr. Novak noted he is part of the Conservation Commission, and expressed that it seems with all the rules and regulations, that the baby is always thrown out with the bathwater. Mr. Novak expressed concern that the character of the neighborhood will change, considering the traffic and the density. He noted that where he saw deer, he will now see someone else's porch. He questioned what the perspective of the Town is and noted he thinks about these kinds of questions about what the Town wants to be. He noted there are the resident perspective, the developer's perspective, and the Town's perspective. He noted there is also the optimal perspective, and as an environmentalist he tends to think of the far future and how this development would take place if it were to be the best job possible. Mr. Ward asked Mr. Novak what he means. Mr. Novak noted he is saying that the character of that area of West Greenwich is going to change and questioned what would make this development environmentally friendly during construction. Mr. Novak expressed concern for the future development of the large parcel, which will increase the density. Mr. Novak further expressed concerns for the traffic. Mr. Ward explained that it is not that the Board is not concerned, but that a development of this size does not need a traffic study, and that the speeding is not an issue before the Board. He noted that the Board's hands are tied in some respects.

Mr. Novak expressed concern about affordable housing being an issue in this town, which he knows is not something that the Board can decide upon. He reiterated that change is taking place in this town. Mr. Ward expressed to Mr. Novak that he knows that he has been involved in the rural character of the Town and that he understands this is kind of a heartache going in so close to his neighborhood, but that it is within the rules and regulations of the town.

WEST GREENWICH
July 20, 2015
PLANNING BOARD MEETING

Mr. Ward asked if there are any other concerns from the audience. There were none.

Mr. Brunero addressed the well concerns and noted that there are twelve homes going in. He explained that he has heard hydrologists speak on larger subdivisions and that there are millions of gallons of water in the aquifer. He explained that sometimes the minerals get stuck and the wells have to be fracked. He noted that sometimes wells go dry and that no one knows what the cause could be. He noted that there are various, various factors.

Mr. Brunero addressed the issue with the speeding and noted that when speed enforcement is done, they find that the people getting tickets are the people that live on the road.

Mr. Brunero addressed the wall entrance. He noted that they will put in a six foot radius return to keep the character of stone walls.

Chairman Ward noted that he has been on this Board for a while and has seen a lot of subdivisions. He noted that he really thinks that with the soils and the wetlands that he doubts there will be any adverse impact on any wells, but that he doesn't have a crystal ball. He noted that the law is pretty specific about the water. He noted that residents can consult a lawyer.

No one else wished to speak. Mr. Ward closed the meeting to public comment and entertained deliberations amongst the Board.

Mr. Berry explained to the audience that this application has been before the Board several times and that this is not the first time the Board is seeing it. He noted that there was a lot of back and forth with the developer to get it to this stage. He noted that a lot of thought has gone into it. He noted that the Board has to go by the Subdivision Regulations and explained that the developer has the right to develop land in accordance with those subdivision regulations and that the purview of the Board is to make sure that they are following those regulations, and to also make any adjustments that are in the best interest of the Town based on the proposal. He noted that maybe the best interest of the Town is that nothing goes in, but the Board can't go that far. He reiterated that a lot of time and effort has gone into this and that the Board has seen two or three different renditions and this is where it is at today.

Chairman Ward noted that the Fire Marshall was looking for a 55 foot radius and that he called him to day to clarify this and that it is sufficient on the plan. He noted that any approval tonight would be subject to review and approval by the Town's consulting engineer. Mr. Ward noted that if there is a problem with headlights across the road, if Mr. Brunero's client would put in some evergreens if the property owner would allow it. Mr. Brunero responded that they would stipulate to that and that they could do some plantings for him.

Ms. Paquet noted that after the packets went out she received comments from the Director of Public Works and noted that he has concerns about the cul-de-sac and where he would store snow. She noted that he requested that there be a condition that there be some sort of coordination with him to determine the locations of driveways and mailboxes on that cul-de-sac. Mr. Ward asked Mr. Brunero if there was any objection to this. Mr. Brunero stated there is no objection with that.

WEST GREENWICH
July 20, 2015
PLANNING BOARD MEETING

Chairman Ward asked Mr. Brunero if he has a copy of the Town Planner's memo. Mr. Brunero stated yes. Chairman Ward asked Mr. Brunero if there is anything in the memo that they are objectionable to. Mr. Brunero noted they are fine with the stipulations as presented. Mr. Ward added that it is amended to be subject to review by the engineer, the plantings across the street and the coordination with the highway superintendent with the cul-de-sac for snow plowing. Mr. Ward asked Mr. Brunero if there is any problem. Mr. Brunero expressed concern about item 6 for a vegetated buffer and asked what it is for. Ms. Paquet noted that this is discussed on page 1 of the memo to protect the steep bank that leads to the stream. There was discussion. Mr. Brunero expressed concern of enforcement and noted that his client has people who have been looking at these lots and that it will chill the sale. It was noted that there is already a 100 foot buffer for RIDEM. Mr. Ward asked the Board for their thoughts. Mr. Berry noted that it is just two lots and that he doesn't see a lot of encroachment into the wetlands. Mr. O'Loughlin noted that the 50 foot wetland comes close to the proposed 200 foot buffer, considering it goes out farther than the 100 foot stream buffer anyway.

Mr. Novak asked what the buffer was to the new houses for the properties along Hopkins Hill road. Mr. Behan pointed out the proposed 50 foot no-cut buffer to the existing homes around the perimeter of the property, with the exception of where the drain pipe is going for Mr. Moghadam's lot.

Ms. Paquet added that the consulting engineer pointed out that there should be site plans for all the lots with proposed rear-yard drainage to ensure that the lots are graded properly. Mr. Brunero noted this is ok. It was noted that this will be added to the conditions of the approval.

Mr. Berry asked Mr. Cotta if all of his items in his memo have been addressed tonight. It was noted that they did not go over them. Mr. Cotta noted he went over them with Mr. Behan. The Board noted to incorporate all the comments from Mr. Cotta's letter into the conditions.

Mr. Berry asked about item 9 in Mr. Cotta's letter regarding the administrative subdivision and noted that the Preliminary plan needs to be revised. Mr. Brunero noted that the revised plan that was shown tonight will be submitted.

Chairman Ward entertained a motion.

Motion to approve the Preliminary Plan for the Pine Estates Phase 2 major subdivision of AP 53, Lot 5-1 with the following conditions:

1. Address all of the comments from American Engineering dated June 15, 2015, in writing and to the plan.
2. Clarify and obtain approval from Fire Chief on turn-around radius and cistern location(s).
3. Reimburse the Town for the cost of the legal advertisement and notice mailings.
4. Stumps shall not be buried, and the plan shall be revised accordingly.
5. Clarify the notes on the plan pertaining to staging and sequencing of land disturbance for the subdivision improvements and make consistent with soil erosion and sediment control practices and procedures, particularly during construction for temporary measures.

WEST GREENWICH

July 20, 2015

PLANNING BOARD MEETING

6. There shall be a minimum vegetated no-cut buffer to the stream in accordance with RIDEM regulations.
7. The Open Space and Recreation fee in-lieu-of land dedication shall be calculated and imposed at time of Final plan recording.
8. The existing cul-de-sac shall be removed, properly graded, loamed, and seeded. A stable, pervious, attractive area shall be achieved on this area that has been compacted, and if needed, amend the base to remove the compaction.
9. As part of the Final Plan application, the applicant's engineer shall certify whether the drainage has been installed and constructed properly and will function according to his design.
10. Proper erosion controls shall be used during all stages of construction, including house construction.
11. The Project Review Fee account shall be replenished by the applicants as needed, when requested by the Town.
12. The drainage pipe to adjacent Lot 5-17 shall be installed.
13. Condition for buffer at new road access for abutting properties the house across from Silas Wells road will be contacted to see if additional screening is needed
14. The stonewalls at the new entrance road will be rebuilt with radius returns for six feet on each side.
15. There shall be coordination with the Director of Public Works for the placement of mailboxes and driveways on the cul-de-sac for snow plowing and storage.
16. The drainage on the new lots with rear-yard drainage shall provide for zero net runoff and shall submit site plans for review by the Town engineer to ensure the lots are graded properly.

Berry-O'Loughlin. The Board had discussion. Mr. O'Loughlin added to item 1. that they shall address any subsequent comments from the Town engineer based on his review of the revised plan. Mr. O'Loughlin added into condition 13. that there is a verbal agreement for potential future trees between Mr. Catelli and the two abutting properties at the new site entrance. Mr. Ward added item 17. that if the Town Director of Public Works requires a Cape Cod berm where the cul-de-sac is removed that it be included on the plan. Mr. Ward added language to item 6. that the setbacks are per RIDEM regulations. Mr. Ward added item 18. to state that the bonding shall be for the final pavement and any other items and if the bonding changes that it needs to come back to the Board for another public hearing to change the bonding status. There was discussion on the timing of development on the proposed frontage lot on Hopkins Hill Road. It was noted this is lot 1 and item 19. was added to the motion that a permit could be pulled with administrative subdivision approval by the Town Planner for a subdivision and that it shall address all the requirements including open space fee and septic system. Mr. Berry added the findings of fact 1 through 7 from the memo. Motion to approve the amendments as stated. O'Loughlin-Bryan (5-0). Amended motion is on the table. All in favor (5-0).

The Board held a five minute recess from 8:20 p.m. to 8:25 p.m.

WEST GREENWICH
July 20, 2015
PLANNING BOARD MEETING

PLANNING PROJECTS

Comprehensive Plan Update

-Consider issuing request for proposals

Ms. Paquet noted that she has hashed out a work plan and wants to sit down with the Board to go over it. It was decided to have a subcommittee of Mr. Ward and Mr. Regan, who was not present but had previously offered to work on this, to meet with the Town Planner to go over this.

REPORTS AND SPECIAL ITEMS

Chairman Ward noted that he was at a site visit at the Truck Stop and a meeting with representatives from Travel Centers of America today. He noted that they have agreed to go forward with the construction to relocate Breakheart Hill Road by September first, and also to go forward with the turn-only lane with the striping. He noted that they are going to come back before the Board for the next phase. He noted that TA has concerns that they would like addressed and noted that we can work with them to a certain degree as long as they get going on relocated the road and alleviated the travel conditions on Route 102.

ADJOURNMENT

Motion to adjourn. O'Loughlin -Berry (5-0). The meeting ended at 8:30 p.m.

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, August 17, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, David Berry, and Alternate Brian Wallace. Secretary Tim Regan, Mark Boyer and Alternate Bill Bryan were absent. Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet 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)

July 20, 2015 Regular Meeting

**Request for Bond Release and
Recommendation to Town Council for road acceptance (CA)**

Hoxsie Farms- off Robin Hollow Rd.

Motion to remove the Hoxsie Farms bond item off the Consent Agenda and to table this item. Berry-O'Loughlin (4-0)

Motion to approve the remaining Consent Agenda for minutes. Berry-O'Loughlin (4-0)

OLD BUSINESS

Minor Development Plan: Construction status, cont.;

‘Roch’s Fresh Food’ -- AP 49, Lot 4-2

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

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

--Status of completion of improvements to site

Mr. Ray Roch approached the Board.

Mr. Roch explained that everything is going as planned but that the contractor has been delayed. He stated that they are on target for the October 1st completion date, and presented photographs of the site for the record. Chairman Ward noted that he has driven by and asked if the contractor will have all the structures in on time and if the seeding will occur within the Fall planting schedule. Mr. Roch stated yes. Mr. Ward asked Mr. Roch if he is confident he can meet the deadline and will not require an extension. Mr. Roch noted he is confident. Mr. Ward noted that if an extension is needed, to let the Board know before, not after. Mr. Ward recapped that Mr. Roch feels he is on schedule even though delays have occurred. Mr. Ward told Mr. Roch that if he is not completed that he needs to get a letter in to the Town Planner beforehand for an extension before October 1st.

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

One-Year Follow-up:

Minor Land Development Project: (Final Plan approved September 15, 2014)

“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)

--One year evaluation of drainage, site stabilization, and landscape buffer

Mr. Hermond Ghazarian approached the Board. Chairman Ward noted that the Board has received a letter from Mr. Moorehead, the project engineer. Mr. Ghazarian noted that he has read the letter. He explained that the site is all stabilized and that there were a few trees that didn't survived over the winter which have been replaced, and that a few extra have been planted.

Chairman Ward read the inspection letter from the Town's consulting engineer for the benefit of the audience. Ms. Paquet handed Mr. Ghazarian a copy of this letter.

Chairman Ward asked Mrs. Robinson, the abutter present in the audience, if she had any comments. Mrs. Robinson noted she just wanted to make sure that someone was in fact checking the pond. Mr. Ward confirmed that the inspection report has been read and that it has been checked. Mrs. Robinson noted that this was her only concern and that they haven't had a problem since then and that it seems to be working. Mr. Ward explained that that not only was the hardpan removed, but that they also built an additional pond. He noted that his opinion is that the efforts made will clearly protect her interest. Mrs. Robinson asked when the silt fence will be removed. Mr. Ghazarian noted they will be removed after they get the letter from RIDEM. Chairman Ward confirmed with Mr. Ghazarian that he will have the silt fence removed in a timely manner after he gets the letter from RIDEM.

Chairman Ward noted that there were also concerns about screening and asked if Mr. Ghazarian if he has put in more or if he could put in more trees, though he was not required to because he has met the requirements of the plan. Mr. Ghazarian responded that they actually added a few about three weeks ago and noted that his goal is to make the property look nice.

Mr. Berry asked if the final site plan has been recorded yet. Ms. Paquet noted that Mr. Moorehead sent an e-mail today that he was working on the site plan and that the surveyor was working on the administrative subdivision.

Mr. Ward asked Mr. Ghazarian if he feels confident that by November 1st the plan could be recorded. Mr. Ghazarian stated yes.

Mr. Ward asked Mr. Ghazarian that if a significant rainfall event occurs and the Robinson's are adversely impacted would he object to come back to the Board to resolve the issue. Mr. Ghazarian said sure.

Mr. Ward noted that he really thinks that Mr. Ghazarian has made every effort and that the plan should be recorded with the stipulation that if any storm event adversely affects the Robinsons that engineering has to be conducted to alleviate that.

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

NEW BUSINESS

Minor Subdivision Residential Compound : Preliminary Plan Public Hearing

“Finlandia Hollow, Phase 2” – AP 12, Lot 9

-- off Robin Hollow Road ; 2 new house lots with private access road

Owner/ Applicant: William & Diane Langlais

-and Request for Temporary Waiver on RIPDES Permit

Maureen Hobson, attorney for the applicant, approached the Board. Ms. Hobson introduced the proposal for a Residential Compound to subdivide one lot into two and she noted the previous application that had not been completed by the former owner. She noted that her client is seeking to complete the compound. He noted that the access is off of Robin Hollow road, which would be a shared right-of-way easement shown on the plan. She explained that a small section of that easement is currently being used by the adjacent lot which will continue undisturbed. Ms. Hobson noted that the engineer and the surveyor who worked on the project are here tonight for any technical questions.

Ms. Hobson noted that the Langlais' have lived in Town for a considerable length of time and that their move to this property has hopes that their son will be able to occupy the second house, but if not, they need to be able to sell the parcel in the future. She noted that the proposal is to put a plan in place to cover the residential compound for both lots. She noted that the lot that the Langlais' would be moving to would be built immediately upon approval, and that the second lot would not be completed at this time, but there would be a plan in place and at such time for a building permit the requirements would need to be constructed per the plan. There was discussion on such a restriction being put on the plan to ensure this. Chairman Ward expressed concern that the drainage would not be constructed if it got forgotten ten years from now, and suggested that the lot be recorded as unbuildable subject to restrictions that would be recorded noting that the drainage has to meet the specifications as approved by the Board.

The Board accepted Mrs. Walker, PE as an expert engineer and Mr. Rockwell, PLS as an expert surveyor.

Patricia Walker, PE, of Walker Engineering, Ltd., approached the Board. Mrs. Walker noted she began her involvement on this project in early 2015, and that she knows the project has been before the Board before that. She noted that the only item she analyzed for existing conditions for the drainage purposes was the pre-existing gravel trail which was considered impervious. She noted that the Langlais' are proposing an eleven acre lot and a three acre lot, which will both only have access off of Robin Hollow Road. She noted that there were previous discussions that Finlandia Boulevard could not be used as access because it is a private road and already has the maximum number of driveway accesses. She noted that the conditions were to remove the driveway portion off the corner of the abutting parcel, and to widen the driveway to 20 feet wide per the Fire Marshall. She noted that after that division point, both of the driveways would be 12 feet wide. She described the proposed widening of the drive.

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

Mrs. Walker explained the drainage design for the 100-year storm event over 24 hours. She noted that whether it is gravel or paved, the new storm regulations consider it as impervious so it doesn't matter if they choose to pave it in the future or not.

Mrs. Walker noted that each lot was analyzed individually and described the drainage design for each lot. She noted that there is a note on the plan that if the owner wanted to convert the drainage to rain gardens that the plants would need to be selected by a landscape architect.

Mr. Ward asked why the lot line for proposed lot 2 didn't run down the driveway so that the drainage is all accommodated on the lot as opposed to being on an easement. Mrs. Walker explained that the Langlais' wanted a certain size lot area and that would affect the size of the lot. Mr. Ward asked if they are aware that they could be held accountable to maintain the drainage in the easement because it is officially on their lot. Mr. Ward expressed that it would be better to have them incorporated by the lot line. It was noted that an easement plan has been submitted.

Mrs. Walker described that the basins on the north side of the driveway for lot 2 are only 9 inches deep and are seeded bio-retention basins, which meet the requirements of RIDEM. She explained that the driveway is graded so that it drains into each of those basins and then the basins will infiltrate into the ground and if one fills, it will drain into the next one, and will continue draining to the West as it does today. She noted that Mr. Cotta (the Town's consulting engineer) has reviewed this and that he was concerned that when the driveway was constructed that there might be some erosion where the runoff continues to the west out of basin six. She noted that her answer is that there is some potential, and that during construction it would be looked at and after the basins are seeded, they could observe it and if the driveway needs to be modified it could be addressed.

Mrs. Walker continued to describe the drainage design and the runoff. Chairman Ward expressed concern about maintenance of the drainage. Mrs. Walker explained that the RIPDES permit requires a separate stormwater maintenance document.

John Rockwell, PLS of Coventry Survey Co., Inc., approached the Board. Mr. Rockwell explained the proposed easements for access and drainage. It was noted that this was submitted to the Board as a separate sheet.

Mr. O'Loughlin asked about the third lot. Mrs. Walker explained that the phase 1 lot was discussed with Mr. Cotta and that it did not need to be included in the drainage analysis.

Mr. Ward clarified that lot 1 is proposed to be constructed now, and that lot 2 and the driveway for lot 2 will be built later, and that when the driveway for lot 2 is constructed then the drainage will be constructed for lot 2 also. Ms. Hobson noted that that was correct. She noted that the owners understand that without complying with those requirements there will be no permit to do anything on lot 2.

Chairman Ward opened the meeting to comment from the public.

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

Judith Anderson, Robin Hollow Road, expressed concern of the proximity of the proposed well on parcel 2 to her well. Chairman Ward explained that there is nothing the Board can do about wells if it meets the state law and noted that maybe the owners would be willing to accommodate her. The distance between the two wells was measured to be about 275 feet. Mr. Rockwell noted that they have a little bit of wiggle room to move the well a little bit farther away which they can do with the septic permit.

There were no other comments from the public.

Chairman Ward expressed concerns about the infrastructure being built and how to ensure it when a Building Permit is asked for on lot 2. There was discussion. Mr. Ward noted that there needs to be a statement on the final plan and plat map about a deed restriction. Town Solicitor Ursillo noted that he can review the language for this.

There was further discussion on concerns of constructing the driveway for lot 2 in the future and stabilizing the grassed bio-retention basins and the potential for erosion.

Mrs. Walker noted that the two septic system permits have not been obtained. There was discussion on the RIPDES permit application. It was noted that they can't get a building permit without a septic design. Mr. Ward noted that the Langlais' have met the requirement for the application and that he has no issue with the approval being subject to the RIDEM approvals.

Mrs. Walker asked if the septic design is needed for lot 2. It was noted that it is not needed at this time. There was discussion on the water tables.

Mr. Rockwell noted that the encroachment area has been marked so that people can see where the lot line is. He noted that there will have to be some trimming of trees when they move the driveway.

Mr. Berry asked about the 200 feet of frontage. Mr. Ursillo noted it will need a variance. Mr. Ward explained to the applicant that the frontage on Finlandia doesn't count because it cannot be used as access. It was noted that it still has to meet the requirement to have the 200 feet of frontage on the compound road, so the variance is needed for the lot to exist. There was discussion on the reason and it was noted that the Zoning Board will understand.

It was noted that the lots cannot be further subdivided, and that this does not need to be a condition because it is a requirement of the ordinance and there will be a statement on the plan to this nature.

It was noted that final review will be after the road and drainage is constructed. There was discussion on how this happens if the work for lot 2 will not be constructed for ten years. It was noted that the as-built is required for the road and drainage and for lot 1. The Board noted that they want to see an as-built for lot 2 in order to receive a certificate of occupancy.

There were no other comments from the Board or the audience. Motion to close the public hearing. Berry -O'Loughlin (4-0).

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

Chairman Ward entertained a motion for the approval with the stipulations as discussed.

Mr. Berry clarified some notes with Mr. Ward about the stipulations.

Motion to approve the Preliminary Plan entitled, "Finlandia Hollow," for phase 2 of the Residential Compound proposed off Robin Hollow Road, at AP 12, Lot 9-1, dated May 2015, Revised July 2015, prepared for William and Diane Langlais, prepared by Coventry Survey Co., Inc., and Walker Engineering, Ltd., with the following conditions:

1. That a variance shall be required from the Zoning Board for the frontage of lot 2.
2. The residential compound right-of-way and extended driveways shall be considered legal access for each lot within the residential compound. The private Finlandia Boulevard shall not be considered legal access or frontage for either of the proposed lots.
3. A RIPDES permit shall be required prior to start of construction of the improvements.
4. The Planning Board shall review the Final Plan which shall consist of as-built drawings and certification from the design engineer that the drainage and grading have been constructed in accordance with the approved design and will function as intended on Lot 1.
5. That proper erosion controls be used during house construction.
6. Stormwater Ownership and Maintenance Agreements shall be executed for each lot within the compound. Maintenance and responsibility of the roadway and drainage shall be clearly defined and the parties responsible for each of the areas be clearly outlined.
7. Before a building permit is obtained on parcel 2, all the driveway and drainage associated with Lot 2 shall be constructed in accordance with the drainage design on file and a note to this effect shall be added to Record Plan for incorporation on the Tax Assessor Plat Map. Parcel 2 shall be recorded as 'unbuildable, subject to restrictions on the record plan. A Certificate of Occupancy for Lot 2 shall not be issued until the driveway and drainage are fully completed and stabilized and the as-built drawings have been submitted. Additionally, all costs incurred by the Town to review and inspect the drainage shall be reimbursed by the applicant.
8. The Final plan shall be recorded prior to issuance of a Building Permit for Lot 1.
9. The Driveway and septic system design for parcel 2 may be suspended until construction is ready for parcel 2.
10. All comments from Mr. Cotta's letter dated August 10, 2015 are hereby incorporated as conditions of this approval.

This motion is based on the findings of fact 1-7 as noted in the staff memo.
Berry-O'Loughlin (4-0).

The Board took a 5 minute break and reconvened at 8:06 p.m.

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

PLANNING PROJECTS

Wind Power Ordinance

- set a workshop date

It was decided to hold the workshop at the September regular meeting.

Comprehensive Plan Update

-Kick off project and review materials

Ms. Paquet noted that she has provided the Board with some materials, including a Work Plan and a plan table of contents outline. She explained that she had previously given the Board some excerpts from the draft guidance manual that introduces the purpose of the plan, how to go about doing a comprehensive plan, and the role of the Planning Board in the development of the plan. She noted that legally, the Planning Board is the responsible entity for the development of the Comprehensive Plan. She noted that each town goes about it differently, including different levels of service of hiring a consultant to do certain things.

Ms. Paquet noted that she met with Mr. Ward and Mr. Regan to go over these materials. She explained that if we are going to hire a consultant we need to be very specific about what we would be hiring them to do, and explained that there are plenty of things that we can do in-house. She noted that it has been 20 years since our last plan. She noted that we need to evaluate our existing plan and evaluate what we need to do for the update, and through that process we can figure out what we will need help with and what we can do on our own. She then went over the proposed Work Plan and asked the Board if they had any suggestions. She introduced the draft outline of the plan, and then discussed the public opinion survey from 1991. She discussed with the Board questions about when during the process we should have public input and that we need to know what are we going to use that information for before we obtain the information, so that we know what to ask. She cautioned jumping into a survey first and recommended that we get a little farther into the process in order to figure out what additional questions might be valuable for us to know the answer to. The Board had questions about the administration of the survey.

Ms. Paquet discussed issuing a postcard notice to residents to inform them about the update process and project webpage, the meeting and workshop dates, and a link to an on-line survey. She talked about other options for public outreach including the public events the Town holds.

There was discussion on a survey. Chairman Ward noted he would like to get started on the survey and on the plan so that people can start looking at drafts for comments. There was discussion on a resolution to kick off the process.

There was discussion on the possibility of special meetings. There was discussion on how best to engage the public. There was concern of low turnout at meetings. It was noted that the Planning Board, the other Boards, and the Town staff know a lot about the Town and the topics

WEST GREENWICH
August 17, 2015
PLANNING BOARD MEETING

that need to be covered and will be able to contribute the most knowledgeable information for the plan.

It was noted to have a draft handout and post card ready for next month, the edited survey, and the first chapter evaluation.

REPORTS AND SPECIAL ITEMS

Ms. Paquet noted that there were two items of correspondence in the packets--the Graceco appeal decision for the tire store in Centre of New England, and a Notice from the Town of East Greenwich of a public hearing for use variances for the Ross application. It was noted that an agreement has been signed between the Town of West Greenwich and Mr. Ross.

ADJOURNMENT

Motion to adjourn. Berry-O'Loughlin (4-0). The meeting ended at 8:38 p.m.

WEST GREENWICH
September 21, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, September 21, 2015. Present were: Chairman Brad Ward, Mark Boyer, and Alternate Brian Wallace.

Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, and Alternate Bill Bryan were absent.

Town Solicitor Michael Ursillo (7:01 p.m.) and Town Planner Jennifer Paquet 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)

August 17, 2015 Regular Meeting

Motion to table the consent agenda. Boyer-Wallace (3-0)

NEW BUSINESS

Chairman Ward announced that the Board will take the applications out of order from the agenda.

Major Land Development Project: Lighting Plan (supplement to Preliminary Plan)

“Cedar Ridge” – AP 1, Lot 10-3

-Project received Preliminary Plan approval on May 4, 2015 subject to certain conditions, including provision that if lighting is proposed, a plan must be presented to the Planning Board (condition of approval item number 18).

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

Mr. Jonathan Kent was present.

Town Solicitor Ursillo arrived at 7:01 p.m.

Chairman Ward noted he thinks the lighting is excessive and did not like the dawn to dusk light. Mr. Kent noted that it can be eliminated. Mr. Ward discussed that there was no information pertaining to intensity of the lighting and expressed concern over the number of fixtures. There was discussion on removing some of the fixtures.

Motion to approve the lighting as presented with the exception that the dusk to dawn lighting be eliminated and the flood lights be eliminated and that an effort is made to reduce the number of light fixtures across the front of the buildings for a maximum of 3 on the double garage doors. Boyer-Wallace (3-0).

WEST GREENWICH
September 21, 2015
PLANNING BOARD MEETING

Major Land Development Project: Pre-Application Plan

“Nooseneck Business Center” – AP 12, Lot 22

-- On Nooseneck Hill Road; Mix of Warehouse, Office, and Retail units proposed

Split Zone Mostly Highway Business with Residential RFR-2 in rear

Owner/ Applicant: William A. Miller, III

Attorney John A. Pagliarini, Jr. approached the Board. Also present were Mr. William Miller and Mr. George Gifford, Landscape Architect, for the applicant.

Mr. Pagliarini noted that this property has a split zone and that it poses some issues. He questioned whether to obtain a Special Use Permit to gain 30 feet of highway business, or to apply for a Zone Change to make whole property Highway Business. He noted there is then the issue of a 100 foot buffer. There was lengthy discussion on questions about where the buffer requirement is in the regulations and what is allowed or not allowed in the buffer.

The Board expressed concern about the amount of development on the site, in relation to planning for a possible community well, a septic system, and the drainage.

Mr. Boyer noted that there may be a high water table on this site, based on his knowledge of water tables on the surrounding properties.

Mr. Pagliarini called Mr. George Gifford, Environmental Planner and Landscape Architect, to address Board. Mr. Gifford presented the plan and noted it is for a mixed use development. He noted that there has not been any groundwater testing yet.

Mr. Pagliarini noted the plan is for the existing structure to stay on the property and be incorporated into the development to exercise the grandfather rights of the non-conformity. Chairman Ward questioned what the building is now and whether a fire truck could get around it. It was noted that it is a wooden garage. It was noted that the two buildings proposed in the rear of the property would be wooden post-and-beam.

There was discussion on moving the proposed entrance away from the existing residence to the opposite side where there is already a commercial use.

There was discussion on the possibility that the residential use could change to a commercial use considering the property is zoned Highway Business.

There was more discussion on what a buffer is and what is or is not allowed to be in a buffer. It was noted that the Town Solicitor will look into this.

The Planning Board noted that they would recommend that there be a Zone change to change the whole property to Highway Business.

WEST GREENWICH
September 21, 2015
PLANNING BOARD MEETING

PLANNING PROJECTS

Wind Power Ordinance

- Workshop to go over policy questions and review proposed draft ordinance

Motion to table this to next month. Boyer-Wallace (3-0)

Comprehensive Plan Update

- Review informational materials
- Prepare for Celebrate West Greenwich Day booth

Ms. Paquet went over the proposed materials for the Celebrate West Greenwich Day booth. She explained the 4 questions to gather information about what the people value for our community. She talked about the format of the booth to have easels and poster boards for people to write their answers on. She presented some proposed display material with maps and information about the Town that would catch people's eye and that the Board could use to talk about with people. The Board thought the material looked good and would be helpful at the event.

The Board asked to include some images of proposed subdivisions and some commercial developments.

Ms. Paquet presented the proposed post card notice. There was discussion on setting a workshop date rather than having the Planning Board meetings be used for public input, which may not be very practical. It was decided not to issue the postcard yet. It was noted to direct people to the Town's website to find upcoming meeting dates.

ADJOURNMENT

Motion to adjourn. Boyer-Wallace (3-0). The meeting ended at 8:05 p.m.

WEST GREENWICH

October 19, 2015

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, October 19, 2015. Present were: David Berry, Mark Boyer, and Secretary Tim Regan.

Chairman Brad Ward, Vice Chairman Tom O'Loughlin, and Alternates Brian Wallace and Bill Bryan were absent.

Town Solicitor Michael Ursillo (7:02 p.m.) and Town Planner Jennifer Paquet were present.

Mr. Berry called the meeting to order at 7:01 p.m.

It was determined that there was a quorum. Town Solicitor Michael Ursillo arrived at 7:02 p.m.

CONSENT AGENDA

Acceptance of Minutes (CA)

August 17, 2015 Regular Meeting

September 21, 2015 Regular Meeting

Motion to table the consent agenda. Boyer- Regan (3-0)

OLD BUSINESS

Minor Development Plan: Construction status, cont.;

“Roch’s Fresh Food” -- AP 49, Lot 4-2

--at 865 Victory Highway (access off Arnold Farm Road); Zoning: Highway Business

Redevelopment of old Coca-Cola warehouse and distribution site into Produce warehousing, washing, chopping, and distribution.

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

--Status of completion of improvements to site

Mr. Ray Roch approached the Board. Mr. Roch noted that he has had a successful few weeks and that they paved today. He noted that he is about 95% done, except for a few plantings and more grass. Mr. Roch submitted photos of the site and described them. He noted that they will be painting the parking space lines tomorrow. Mr. Behan noted to Mr. Roch to put down some winter rye, with the understanding that he will have to put down real grass in the Spring. Mr. Regan asked if there are any erosion issues. Mr. Roch pointed out where there is some that blasted through with a rain storm. Mr. Regan noted to pull it back up before they hydroseed.

There was discussion on the plan and the landscaping. Mr. Berry asked if the lighting was installed according to the lighting plan. Mr. Roch noted he believes so. He noted that they were all turned down.

It was noted that an as-built will be needed for Final review and approval, to verify that the site was constructed to the plan. Mr. Boyer noted that the design engineer has to approve the moving of the pipe that Mr. Roch discussed. Mr. Regan noted that the engineer should go out there to take a look at the erosion issues to come up with some solutions sooner rather than later. It was noted to send Dan Cotta, consulting engineer for the Town, out there for an inspection, and to have it coordinated with the project engineer.

Motion to continue to the May meeting for an update and to set a deadline date. Boyer-Regan (3-0).

WEST GREENWICH
October 19, 2015
PLANNING BOARD MEETING

PLANNING PROJECTS

Wind Power Ordinance

- Workshop to go over policy questions and review proposed draft ordinance

Ms. Paquet noted that Wind Energy Development, LLC came to meet with her about wind turbines and that they invited her and the Board to visit the turbine in North Kingstown and the turbines in Coventry once they are up.

There was discussion on a marijuana ordinance and the wind turbine ordinance. It was noted to add the turbine ordinance on next month's agenda for a discussion and vote.

Comprehensive Plan Update

- Recap of Input received at Celebrate West Greenwich Day, Comprehensive Plan booth
- Natural Resources Review

Ms. Paquet noted the input from Celebrate West Greenwich Day. It was noted that there was nothing new or earth shattering. Ms. Paquet went over a screen shot of the webpage for the Comprehensive Plan Update and pointed out the links. She then went over the analysis of the existing Natural Resources section.

ADJOURNMENT

Motion to adjourn. Boyer-Regan (3-0). The meeting ended at 7:59 p.m.

WEST GREENWICH
November 16, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, November 16, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, Mark Boyer, and Alternate Bill Bryan (7:15 p.m.). Alternate Brian Wallace was absent. Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:10 p.m.

It was determined that there was a quorum.

Major Land Development Project: Request for Foundation Permits

“Cedar Ridge” – AP 1, Lot 10-3

-Project received Preliminary Plan approval on May 4, 2015

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

Mr. Michael Kent approached the Board. Chairman Ward announced that the Board had previously allowed one model home of each type of structure. There was discussion about timing and frost, and a status of the construction to date. It was noted they are looking for foundation permits for 40 units. There was discussion on the Town Engineer's concern of the grading and drainage between the units.

Mr. Bryan arrived at 7:15 p.m.

There was discussion on other construction aspects of the site, including the sewer and water lines and the pump station.

There was discussion that the request is for foundation permits in Phase 1 for 40 units (approximately 20 foundations) and it was acknowledged that the CO's will be subjected to all the utilities being 100 percent fully functional.

Motion to allow the foundations to be installed to accommodate 40 units of single, double, and triple units within phase one, as divided up, and that no CO's will be issued until such time that all utilities within that phase are 100% fully functional and operational. O'Loughlin – Boyer (5-0).

There was discussion on the application requirements for the final plan approval.

CONSENT AGENDA

Acceptance of Minutes (CA)

August 17, 2015 Regular Meeting

September 21, 2015 Regular Meeting

October 19, 2015 Regular Meeting

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

WEST GREENWICH
November 16, 2015
PLANNING BOARD MEETING

Advisory Opinion to Town Council

Amendment to Zoning Ordinance Article VII Special Regulations

-Proposed amendment to address Medical Marijuana Related Uses

Town Solicitor Ursillo gave a background on the proposed regulations. He noted that this is being proactive, to control it ahead of time. He noted that the bigger concern is if the State allows marijuana to be used for other than medical purposes.

Mr. Boyer asked what the proposed setbacks are based on. Mr. Ursillo noted that they are conservative.

Mr. Regan asked if there is a local tax benefit, such as food and beverage. Mr. Ursillo noted that it would have to go through the legislature.

Ms. Paquet asked if they are cooperatives if they would be run as non-profits and be exempt from property tax. Mr. Ursillo noted that they are not exempt from property taxes.

Mr. Bryan asked if anyone has looked at the locations that the uses could be designated to and applied the proposed setbacks to see if there would be areas that are viable. He expressed concern if these setbacks would work, and noted it could be scaled off a plan. There was discussion. The Board asked Ms. Paquet to scale off the maps to make this determination. There was discussion on when this is needed and if there is any urgency to adopt these regulations. Ms. Paquet asked if it is not allowed in the meantime because it is not addressed in the Zoning Ordinance. It was noted that this is not a freedom of speech issue, like adult entertainment. Mr. Ursillo noted that it is needed because other Towns are having serious issues with the social use of marijuana by medical card holders. He noted it is all over the internet and facebook, that they are having rock and roll bands, pool tables set up, and invite everyone with a medical marijuana card to come. He noted that they go wherever entertainment is allowed in Town. He noted that in South Kingstown, it is in the old campus cinema and they show movies. Ms. Paquet asked how that is being address by this ordinance, because it sounds like a police enforcement issue. She questioned that this ordinance is not addressing social use of marijuana or outdoor use of marijuana.

Ms. Paquet asked if the Town allows commercial uses for medical marijuana in the Zoning, since there is no other regulation like FDA, does this make the Town liable if something medical happens. Mr. Ursillo noted that this can come to the Town someday and that it is not a question of liability, but that it is a question of location.

There was discussion on getting the data for the setbacks.

Motion to table to next month. O'Loughlin-Berry (5-0).

WEST GREENWICH
November 16, 2015
PLANNING BOARD MEETING

Wind Power Ordinance

- for discussion and vote

Mr. Berry expressed concern of allowing utility scale turbines in the RFR-2 zoning district. There was discussion.

The Board expressed concerns with shadow and flicker and how to ensure the shadow doesn't fall off the property the turbine is on. There was discussion on setbacks and changing the ordinance to eliminate shadow flicker, rather than minimize it, and to remove the term 'minimize' from the ordinance.

Mr. O'Loughlin noted that there are two issues—flicker and noise.

Mr. Ward asked if they can be restricted to not be eligible for a dimensional variance. Mr. Ursillo noted it can. It was noted that this is already in the draft.

Mr. Boyer asked to find out how far away people are affected by flicker and noise, so that we can have something to base setbacks on as a baseline. There was discussion. It was noted it is in the developer's interest to site the turbines properly. Ms. Paquet encouraged the Board to read the siting guidance document from the State and noted it is being updated.

Mr. Bryan looked up standards for setbacks. He cited setbacks from research from University of Delaware that was ten times the height, and that using that setback there would be no adverse effect.

Mr. Regan noted the applicant should provide an environmental review.

The Board expressed concerns on bird kill, bonding for structure removal, maintenance of the systems, and ice throw.

Mr. Bryan noted that the Irish Wind Energy Association uses the same ten times the height setback to look at the impact within this area.

Mr. Berry expressed concern that these are industrial uses in RFR-2 zoning district. Ms. Paquet explained that this is like the solar panels on Leyden's Farm, which needed to meet the industrial setbacks.

Mr. O'Loughlin talked about turbines in New Hampshire that throw ice near a prison, and that the people there complain about it.

Motion to continue to next month. O'Loughlin-Berry (5-0).

WEST GREENWICH
November 16, 2015
PLANNING BOARD MEETING

Comprehensive Plan Update

- Recreation and Open Space Review

Ms. Paquet noted that the review of the recreation section is complete and that we can do this update ourselves.

There was discussion on having the Conservation Commission and Land Trust provide their comments so that the Planning Board can review them at our December meeting.

ADJOURNMENT

Motion to adjourn. O'Loughlin-Berry (5-0). The meeting ended at 8:38 p.m.

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, December 21, 2015. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, and Mark Boyer. Alternates Bill Bryan and Brian Wallace were absent. Town Solicitor Michael Ursillo (7:06) and Town Planner Jennifer Paquet were 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)
November 16, 2015 Regular Meeting

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

NEW BUSINESS

Major Residential Subdivision: Pre-application Plan

"Holmander/Lemaire" - AP 24, Lots 27 & 28

--Breakheart Hill Road; Zoning: RFR-2

Proposed subdivision of one new house lot with request for waivers

Applicants/Owners: Peter H. & Kathleen M. Holmander and Raymond T. & Julie A. Lemaire

-Request to combine Master and Preliminary review stages

Mr. Boyer recused himself for this agenda item.

Attorney Tom Cronin approached the Board for the applicant, and noted he was here tonight for Attorney John Brunero. Mr. Cronin noted that both the Holmander's and the Lemaire's were present tonight, along with surveyor Mr. Robert Boyer.

Mr. Cronin noted that the proposal is to subdivide a 9 ½ acre parcel into a 5 ½ acre parcel and a 3 ¾ acre parcel. He noted that both lots have the required frontage, however the proposed lot does not have physical access due to a wetland in front. He noted that the request is to extend the existing driveway to avoid encroaching on the wetlands.

Mr. Cronin explained the proposed dwelling and the thought process for the development proposal.

Town Solicitor Michael Ursillo joined the Board at 7:06 p.m.

He noted that there is a relationship among the people making the proposal and that they propose to make an emergency pathway by connecting the two driveways so that the fire apparatus will be able to get in an out unobstructed and without having to turn around.

Mr. Cronin noted that there is more than 1.4 acres of continuous upland and that there is a 2 foot water table. He noted that the wetland has already been delineated. Mr. Cronin noted that they

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

are also seeking relief from the interior angle of the lot and described that it is in conformity with the existing lot boundaries.

Mr. Cronin noted that there will be some screening for the driveway to shield the existing house.

Mr. Berry asked where the wetland edge is. Mr. Robert Boyer pointed to it on the plan and noted that the reason for the screening is for vehicle headlights shining toward the house.

Mr. Berry asked if there was any way to hug the property line with the new driveway, or even put the shared driveway on the other lot. Mr. Boyer noted they couldn't do that because of the wetland edge, and he noted that the existing driveway is pretty close to the edge. It was noted that this is pre-existing. Mr. Boyer also pointed out the stonewall.

Chairman Ward noted it seems straightforward and noted the hurdle of the wetland. He asked about the existing mobile home and if the Town Solicitor has researched it. Solicitor Ursillo noted that he did, and explained that as long as the lot that is remaining is conforming to Zoning, that there would be no issue with the mobile home because it would have been allowed on a conforming lot in the first place. He noted that there is no problem with it.

Mr. O'Loughlin asked if there is enough room for the well and septic and the separation distance between the two. Mr. Cronin noted that it does appear that there is enough room.

Solicitor Ursillo noted for the Board that if at some future point the mobile home was abandoned, it does not make it buildable for a second home. He noted that the mobile home does not count as a second house.

It was noted there will be a public hearing for the waiver requests.

Motion to combine the Master and Preliminary plan review stages. O'Loughlin-Regan (4-0)

Request for Maintenance Bond Release and Acceptance of Improvements

-Stonebridge Estates, Phase 2: Stonebridge Lane, AP 33

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

Board member Boyer rejoined the Board.

Attorney Jack McGreen approached the Board. Mr. Cortelleso was present.

Mr. McGreen noted that he just received the Town Planner's report which suggests that there should be withholding for the trees. He questioned whether the Town Planner was qualified to make a determination on the trees. Ms. Paquet passed out the pictures to the Board. Chairman Ward asked Mr. McGreen if he has qualifications from a professional saying that the trees are alive with him tonight. Mr. McGreen stated that he does not. He asked Mr. Ward if he is suggesting if they came back with an expert indicating that the trees are ok if the Board would entertain it. Town Solicitor Ursillo explained that they went out and looked at the trees, and half of them had leaves and the other half did not, so there was a conclusion and pictures and that this is a common sense thing. He noted that the implication is that the trees are dead, which is why

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

the Town Planner is suggesting to the Board that maybe half of the trees are dead. Mr. Ursillo noted that if the trees are alive in the Spring, the leaves are going to come out and then the money will go back to Mr. Cortellesso, or if they are dead, he has the opportunity to go back to the installer and replace the trees, and if that happens, once again Mr. Cortellesso will get his money back. Mr. Ursillo noted for the Board that Mr. McGreen is suggesting now that if he gets a tree expert to certify that those trees are all alive, and the Town doesn't have a tree expert to contradict that, then the Board should entertain an expert's opinion over a lay person's opinion as to whether or not the trees are alive or dead. Solicitor Ursillo suggested to the Board for tonight that they have a recommendation to release everything but the \$4,300 hundred, and that his suggestion is that the Board approve it unless Mr. McGreen wants to come back in January with a tree expert. The Board had questions and there was discussion. Mr. McGreen stated that he is not going to get an expert.

Mr. McGreen noted he would like to address the value of the trees. Mr. Cortellesso noted it cost him \$160 per tree installed. Mr. McGreen asked him what the breakdown of that is. Mr. Cortellesso noted that it was \$95 to \$105 per tree, noting that there were seven different species of trees, and that is why some trees lose leaves before the others. Mr. Boyer asked who provided the trees. Mr. Berry asked if they guarantee the trees. Mr. Cortellesso noted yes, and that he buys from Schartner's and that Tom Shalvey installed them. The Board agreed they will go with the Town Planner's estimate.

Mr. McGreen asked about the engineering account. It was noted that this could be handled administratively and that the Board only needs to vote on the bond.

The Board used the draft motion from the memo.

Motion to reduce the bond for the Stonebridge Estates Phase 2 subdivision down to \$4,300 and to recommend to the Town Council the acceptance of the road and drainage of Stonebridge Lane. This motion is based on the findings that the road and the drainage are acceptable to the Director of Public Works as indicated in his December 1, 2015 memo, and that a road sign and a stop sign are needed at a cost of \$100 total. This motion is also based on a finding that as of October 5, 2015 it appeared that half the street trees may not be fully alive. Boyer-O'Loughlin. There was discussion.

Town Administrator Breene, in the audience, asked who is responsible for plowing the road. It was noted that it is not a Town road yet, until it goes to the Town Council in January. Mr. Breene clarified his question and asked if it snows between now and then, who is responsible. Solicitor Ursillo noted it is Mr. Cortellesso's responsibility until the Town Council votes to accept the road. Administrator Breene asked to have the record reflect this. Mr. McGreen objected. Mr. Ursillo noted that the Council meeting is January 6th. Mr. Cortellesso noted it won't snow by then.

Motion is on the table, as made by Boyer and seconded by O'Loughlin. (5-0).

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

Major Residential Subdivision: Pre-application Plan

“Breene Hollow Farm” --AP 29, Lot 3-1

--West Log Bridge Road; Zoning: RFR-2

Proposed subdivision of one new house lot with request for waivers

Owner: Kevin A. Breene /Applicant: Thomas P. & Rebecca L. Joyal

-Request to combine Master and Preliminary review stages

Board member Mark Boyer recused himself from this agenda item.

Attorney Tom Cronin approached the Board along with surveyor Mr. Robert Boyer of Boyer Associates. Mr. Breene was present in the audience.

Mr. Cronin described the proposed subdivision of one new lot off of West Log Bridge Road. He noted that wetlands are the interfering factor with the frontage. He noted that the proposed subdivision has the required frontage, but that it is impractical to cross the wetlands. He noted that there is an existing farm road that runs through the proposed subdivided lot. Mr. Cronin noted that the wetlands have been flagged and that the driveway can run off of the existing farm road without encroaching on any wetlands. He noted that there is enough buildable land to put in a well and septic.

Mr. Cronin noted that there are other waiver considerations. Mr. Cronin discussed the interior lot angle and noted that the proposed shape of the lot follows the lot lines of the existing lots. Mr. Cronin noted that there have been other lots that have been subdivided from the original parcel, and questioned if the duration of time would require an additional waiver. It was noted that there is an existing shared driveway and that this would be an additional lot sharing the farm road.

Mr. Berry asked about the piece of the lot up to the top. Mr. Robert Boyer explained that it was the frontage on West Log Bridge Road, which is wetlands. It was noted that the 200 feet of frontage is required.

Mr. Breene noted that he would never cut out a house lot like that or with that much land, but that it is for his daughter. He noted that the road that goes from West Log Bridge Road to Route 102 has been there for a couple hundred years, but that it is not a Town road. He noted that to some degree it saves him from having to improve West Log Bridge Road, or for the Town to later maintain it, because that is as far as it goes and the last 200 feet is for his own house.

There was discussion on where the house would go. It was noted that the wetland has already been flagged and it has a perc test.

Mr. Berry asked about the bottom angle on the right and why it is a triangle. It was noted that there is a stonewall there. Mr. Robert Boyer noted that the stonewall would become the boundary.

Motion to combine the Master and Preliminary Plan review stages. Berry-O’Loughlin (4-0)

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

Minor Development Plan- Pre-application Plan

“Dupuis Oil” – AP 14, Lot 13

--743 Victory Highway; Zoning: RFR-2

Proposed Use: Office, Garage, and associated structures for home heating oil and propane fuel delivery company

Owner: Edwin R. Morton, Trustee; Applicant: Frank Dupuis Co. d/b/a/ Dupuis Oil Co.

Mark Boyer recused himself from this agenda item.

Attorney Tom Cronin approached the Board along with Mark Dupuis and surveyor Mr. Robert Boyer of Boyer Associates.

Mr. Cronin explained the proposal. He noted it is currently zoned residential and that they are going to request that it be changed to Highway Business. He noted that the lot is surrounded by highway business uses. He noted they intend to retain the existing house on the property and improve it for an office. Mr. Cronin described the proposed structures and layout of the site. He noted that most of the area will be for the trucks.

Mr. Cronin noted there are two public wells to the north, which are no longer in use. He noted that to the southeast is the well for the adjacent commercial plaza, which also has a propane storage area. Mr. Cronin explained that this well has a 200 foot no building radius area, which they checked with the Department of Health. He noted that this question came up at the Technical Review Committee meeting. He noted that there will be no underground storage on this site and that it will all be above ground with double wall tanks and retaining systems underneath them.

Mr. Cronin noted that the proposal is to rezone the entire 7 acre parcel, and leave a good amount of woodland area around it, as there are some homes in the area. He noted that there will one access which will need a Physical Alteration Permit to widen.

Mr. Cronin noted an electric easement with poles that run through the property from Route 102 to the abandoned wells. He noted that this needs to be investigated.

Mr. Cronin discussed the buffer and noted a variance is being sought for an oil storage tank, but that this will be addressed during the engineering of the project. He noted that the tank needs to be adjacent to the yard so that the trucks can access it. He noted that there has been discussion on this but that the engineers will work on it.

Mr. Cronin noted that they would like to move ahead with Planning and Zoning applications simultaneously.

Chairman Ward asked if there is anything in writing regarding the well radius and asked to have the Health Department send something on letterhead for the file.

Chairman Ward asked if the applicant is willing to relocate the electric easement. Mr. Cronin noted that the poles are inconveniently located. Mr. Cronin noted that there is another electric

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

easement on the edge of the propter. Town Administrator Breene, in the audience, explained the history of the property. He noted that it was all owned by Ed Morton, including the mobile home park. He said that he had a well dug down behind his house in the back, which is the land that is now owned by Rhode Island Housing. Mr. Breene explained that when the park was sold, the well was there and that Ed Morton left the electric poles, which power the well for the mobile home park. He explained that there was a grant to put in a new waterline and move the electric line, but the developer wouldn't cooperate and they had to give the money back. He noted that the Town is working on taking over the land and if that happens, the power would come in somewhere else. Chairman Ward asked Mr. Cronin if they would be willing to accommodate an easement for the use of electricity passing over the lot for the well servicing Blueberry Heights. Mr. Cronin said they understand. Mr. Dupuis noted that it also services the existing buildings and that he needs the power, too.

Mr. Regan asked what the Department of Health had to say. Mr. Cronin noted that Mr. Cotta, Town consulting engineer, had a question at the TRC meeting about the distance to the public well for fuel oil storage, because he wasn't sure if it was 1,500 feet. Mr. Cronin noted that he had to find out and he found out that that is the correct distance for underground storage tanks and a public well. He noted that this proposal is for above ground storage, which is substantially different regulations. Mr. Regan asked if the wells are abandoned. It was noted that the commercial well is the closest well. Chairman Ward asked for a letter or a copy of the regulations so that the Board has it to go by, so that the Board can look out for the neighbors' interests, as well as the applicant's.

Mr. Berry asked if they are going to put the oil tanks in the buffer area. Mr. Cronin noted it is partially in and partially out of the buffer area.

Mr. O'Loughlin asked what the hours of operation would be. Mr. Dupuis noted it is 7:00 a.m. to 5:00 p.m. He noted there might be a delivery after that if there was an emergency.

Mr. Boyer addressed the abutting wells and noted that there are two abandoned wells, and a newer well farther east. Mr. Cronin noted he believes it is about 600 feet from the edge of the property line to the new wells, which are off this map.

Mr. Berry asked when the applicant comes back he would like to see the safety containment. Mr. Cronin noted that the Fire department made the same request and that they will show cut-away views of the tank storage. It was reiterated that they will be all above ground. Mr. Berry noted he wants to make sure if the tank ruptured it will be collected and not flow to the well. Chairman Ward noted that it is Federal and State guidelines to have double containment required.

Mr. O'Loughlin asked if there was a way to put the parking closer to Route 102 so that they could turn the oil tanks and keep them outside the 100 foot buffer. Mr. Dupuis noted that his only concern which may be a constraint is that the drainage pond needs some room there. There was discussion. It was noted that this would need a variance and a waiver. Chairman Ward noted that the Board can look at it when they come in for the Zone change.

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

Mark Boyer rejoined the Board.

Minor Development Plan- Preliminary Plan

“Diffley & Daughters” – AP 49, Lot 4-7

--33 Arnold Farm Road; Zoning: Highway Business

Proposed Use: Sanitary Sewage Services

Owner/Applicant: Diffley Land Holdings, LLC

Attorney John A. Pagliarini approached the Board. Mr. George Gifford of The Gifford Design Group, along with Mr. Diffley and Mr. Michael DelRossi, PE, were present.

Mr. Pagliarini noted that Mr. Diffley is moving his company from East Greenwich to West Greenwich. He noted it is a 49,000 square foot pole barn building and that there will be parking in the front, with access through the cul-de-sac. He noted that there was a concern about when the back yard ends and that his recommendation to Mr. Diffley is a split rail fence or something simple to demarcate the area so that the trucks do not breach into the area.

Mr. George Gifford, Licensed Landscape Architect, introduced the other people present tonight. He gave an overview of the layout and noted that the plan has changed from the pre-application plan. He noted that there is a pre-engineered structure set in an angled format to the roadway and pointed out the drainage facilities. He noted the parking in front and the large, permeable gravel surface that loops around the building connecting to the paved surface. He noted that there are wetlands on the western area of the property and that his office has flagged them. He noted that there is a 50 foot wetland perimeter and a 100 foot riverbank wetland, which are very well defined. He noted that they are requesting a waiver from the edge verification checklist requirement. Mr. Gifford explained that the property is cleared up to the treeline and that the proposed work extends back to the construction line. He noted that the question that came up at the TRC meeting was what the intent was. He noted that Mr. Diffley would like to make use of as much of his property as possible, but that at this time, his prime intention is to get his building permit.

Mr. Gifford discussed that there will be a dumpster, but the location is not specified. Mr. Diffley noted that his plan is to fence in the whole property from certain points, and pointed to the area on the plan. He noted that it would be privacy fence and that the dumpster would be behind the privacy fence. He noted it would probably be in the back left corner. The Board asked for clarification on the extent of the fence. Mr. Diffley described that there are sliding gates.

There was discussion on the wetland and the fence ensuring that there will be no further removal of vegetation. It was noted that it has already been cut to the 100 foot buffer.

Mr. Diffley noted there will be a 4-yard dumpster that gets emptied every 2 weeks. He noted that there is no need for a loading dock. Mr. Berry asked if there will be a pad for the dumpster. Mr. Diffley noted there will be a concrete pad.

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

Mr. Pagliarini asked Mr. Diffley about the vehicles that will be in the front of the building versus behind the building. Mr. Diffley noted that the women who work in the office, and any road traffic will park in the front and the guys who drive the trucks will park in front. He noted that at the Zoning meeting they said they would park all the equipment and trucks in the backyard behind the fence. Mr. Diffley pointed out the three garage doors in the back of the building.

Mr. DelRossi described the areas that will be asphalt and the areas that will be crushed stone. Mr. DelRossi described the drainage and noted the roof runoff will go into a cistern that discharges into a crushed stone field. Mr. Boyer asked about the sanitary system. Mr. DelRossi described the septic system and the location of the well. He noted that the groundwater table was 5 feet. It was noted that there will be no underground storage tanks. Mr. Diffley noted there will be a tank for the rainwater which will be recycled for the port-a-potties.

Mr. Berry asked where the port-a-johns will be stored. Mr. Diffley pointed to the area in the back of the building behind the fence.

Mr. DelRossi noted submitted a letter from RIDEM regarding the UIC. There was discussion on the drainage. It was noted that Mr. Cotta has reviewed it and it is ok.

Mr. Gifford discussed that the applicant anticipates wanting the maximum use of his property, and that they would need a wetland permit to extend that surface farther back, but that right now the goal is to get a building permit. There was discussion about a RIDEM wetlands application. It was noted they will submit a preliminary determination and forgo the edge verification. There was discussion on what would be needed if the applicant decides to change the extent of use in the back. Mr. Boyer asked to have some kind of barrier there. It was noted it could be boulders. There was discussion on separating the project into phases, so that it is clear what can be developed at this time.

Mr. Boyer asked if there will be no impact to the public well at Roch's across the street. Mr. Gifford noted there is 432 feet from the proposed septic system to the existing public well.

Mr. Boyer discussed survey plan requirements submitted with a site plan. He noted that there has been a survey plan recorded recently for this parcel and submitted a copy for the record. Ms. Paquet noted that there was one submitted with the application.

There was discussion on the possible phase 2 beyond the parking area which will need a preliminary determination. It was noted that the fence can go up with phase 1 and that the applicant does not need to come back to the Board to put up the fence.

Mr. Regan asked what the area would be used for and what the surface would be. It was noted it would be for storage and would be crushed stone.

Mr. Berry asked what the 200 foot line was on the plan. It was noted that it is the Town's 200 foot setback for a septic system from a waterbody.

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

The Board discussed a motion. Mr. Boyer noted the recommendation from the Town Planner on the waiver for the Wetland Edge Verification.

Motion to approve the Preliminary Development Plan entitled, “Diffley & Daughters Corporate Headquarters” located at AP 49, Lot 4-7, prepared by MDR Engineering and The Gifford Design Group, Inc., prepared for Diffley Land Holdings, LLC, dated November 2015 and consisting of sheets 1 through 4, with the following conditions of approval:

1. Address the comments from the Town’s consulting engineer and revise the plan, if needed.
2. Submit Underground Injection Control approval from RIDEM
3. Submit information for rain garden plantings
4. Show curb stops to indicate truck parking spaces in the rear fenced area.
5. Construct a dumpster pad
6. The project may be developed in two phases, phase 1 consisting of the layout shown on the plan by Gifford Design Group dated November 2015. The perimeter fence is allowed to be installed with phase 1 and is not dependent on the phasing.

Based on the findings of facts 1 through 7 in the memo.

Boyer-O’Loughlin (5-0)

Major Land Development Project : Amendment to Master Plan Approval

“TA Truck Stop” – AP 48, Lots 2-3 & 2-5 and AP 49, Lots 2 & 3

-- 849 Victory Highway; Zoning: Highway Business and RFR-2

Proposed modifications to Preliminary Plan decision and Preliminary Plan

Owners/Applicant: TA Operating, LLC

Attorney John A. Pagliarini approached the Board for the applicant.

Mr. Pagliarini gave an update on the status of the project. He noted that they have moved Breakheart Hill Road, and removed the chatter strip and restriped Route 102. It was noted that it is a big improvement.

Mr. Pagliarini noted that for safety, they expanded the parking lot for the gas pump area, which will not be asphalted until it has preliminary approval. He noted it was graded down because it was an urgent safety feature to redirect the gas pump customers.

Mr. Pagliarini noted they will close off the entrance between the trucks and the cars to train the automobile user to go to the second entrance and not to the truck entrance. He noted that it took a few days for people to get used to Breakheart Hill Road being moved.

Mr. Pagliarini noted that the Board has the proposed amendments to the Master Plan. He noted that TA has certain changes that they would like to be made to the approved Master Plan. He noted that a different engineer is looking at it. There was discussion. Town Administrator Breene, in the audience, commented on the progress. There was further discussion. It was noted that the proposed Master plan changes can be included in the Preliminary Plan application and that a hearing is needed for those changes.

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

Advisory Opinion to Town Council

Amendment to Zoning Ordinance Article VII Special Regulations

-Proposed amendment to address Medical Marijuana Related Uses

Solicitor Ursillo explained that the ordinance has been revised because the original amendment drew lots of extremely negative responses from groups like the ACLU and many individuals with serious diseases. He noted that everyone got the impression that medical marijuana certainly has a place among medications that other pharmaceutical companies don't address. He noted that everyone was saying that you cannot regulate the personal use and growth of medical marijuana. He noted that the first ordinance was doing that. He noted that there were requirements of names and addresses which violated the HIPPA law and gave away information that could potentially inform people who might commit a crime.

Solicitor Ursillo noted that in Bristol, there were two things the Town wanted to address- the emporium use, which the ordinance prohibits, and the compassion centers, which is a retail establishment, and which the Town wants to be able to say there needs to be an approval and it needs to be only in certain zones, and it needs a Special Use Permit. He noted that they removed all the sections on regulating the personal and cooperative uses of medical marijuana, and kept in place the emporium section and the compassion center section.

Solicitor Ursillo urged that the Town Council get in place a baseline, and then changes or amendments can be made as needed, based on State law. He noted that he personally believes that at some point, marijuana is going to become legalized in Rhode Island, as it has in other states, and the reason is because the State is always looking for ways to generate revenue. He noted that the Town should be ready.

Town Administrator Breene asked about if somebody wants to commercially grow medical marijuana and if the ordinance addresses this. Mr. Ursillo noted it is not in the ordinance. He noted that to commercially grow it, there is a limit on the number of plants you can commercially grow.

Attorney John A. Pagliarini asked about a hypothetical situation for a parcel of land that is zoned Industrial A, and if a developer wanted to build a building with 8 condominiums, each occupied by one or two cardholders, would it be permissible under the existing laws. Solicitor Ursillo noted he believed it would be. Mr. Pagliarini asked if the building could be built specifically for this purpose and noted that the Building Officials have a problem because they don't know who is growing and they are cutting joists and running plumbing and overloading electric. Solicitor Ursillo noted that they are required to have a sign off from the electrical inspector. There was discussion about inspections and whether the building permit violates HIPPA. Solicitor Ursillo noted that the question Mr. Breene is talking about doesn't pertain to just new buildings, and noted that we can assume there are people living in an apartment or a condo complex and each of them can legally, under State law, grow up to 12 plants and the Town can't do anything about that. Ms. Paquet noted that there is still the Zoning Ordinance and nuisance issues, such as odor, and that there should be some way to address that. Solicitor Ursillo agreed that this is exactly the issue that came up in Bristol. It was noted that any non-marijuana occupants in the building could be very unhappy about the smells. There was further discussion about processing medical

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

marijuana. Solicitor Ursillo noted that the ordinance presented does not address this issue. Administrator Breene noted that what he is getting calls about is that it is blending with the tobacco companies who are jumping right in on this if it becomes legal. He said that they are actively recruiting people in different states preparing for this. He asked what happens if someone wants to build a five-acre building to grow and process marijuana, which is way different than people with a card who need it, and how the Town could regulate it. Solicitor Ursillo noted that he doesn't think that is allowed because the State limits the number of plants to 48 plants. It was noted that the Compassion Centers do not grow it. Mr. Pagliarini asked for clarification if in the hypothetical there are 8 condominium units, is it within one structure, or can they put up 8 individuals each with 24 plants within the building, and not just 24 plants within one ten thousand square foot building. There was discussion. Solicitor Ursillo questioned this and noted he will have to look at it.

Administrator Breene expressed concern about complaints from neighbors and the odors that are very strong when it is growing and blowing into the neighbor's yard. He noted it has caused problems in Town, and that the State can't agree with it because it is a gray area. Ms. Paquet noted that health, safety, and welfare is the purview of the Zoning Ordinance and if it is causing a nuisance there has to be some way to address this. Mr. Breene asked how it is different than if someone is raising pigs in a dense neighborhood. There was discussion. Mr. Pagliarini noted that if it is in an Industrial A zone, it has to meet the performance standards, and odor is one of the standards. He asked if there is any way of abating the odor. Mr. Jeff Butler, in the audience, noted that they upgrade the HVAC and install air scrubbers. He noted that you could walk by and not even know anything is going on there, in a place where they have 8 or 10 in a 20 unit complex, unless someone is not doing it right. He noted that the compassion centers dictate that the growers do certain things. He discussed that there are different levels of sophistication for these facilities. Mr. Butler noted his concern with the proposed ordinance is that it says 'structures' and asked if there are 4 units or 8 units you can't have more than one grower in the structure, even though there are different owners in each of the units. He noted he came to the Board because he wanted to see how this can be done to provide for the compassion centers. There was discussion on the question of commercial condominium units versus structures.

Chairman Ward noted that if the Board recommends approval of the ordinance the way it is, the Town Council can always change it without coming back to the Board. Solicitor Ursillo agreed, and noted that the ordinance doesn't affect the issue of commercial condominiums, unless the Town takes the position that if it is not in the Use Table then it is prohibited. Mr. Pagliarini questioned if it could come under agriculture. There was discussion on concerns about the proximity of where things are located. There was discussion on growers with cards supplying the compassion centers. There was discussion about the conflicts with Federal law.

Solicitor Ursillo stressed that this ordinance is proposed for the emporium use and the compassion centers.

Motion to approve the ordinance as proposed by the Town Solicitor as an advisory opinion, with a finding of consistency with the Comprehensive Plan. Boyer-O'Loughlin (5-0)

WEST GREENWICH
December 21, 2015
PLANNING BOARD MEETING

Wind Power – Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion on policy questions

Tabled to next month.

Comprehensive Plan Update

-Review of comments from Conservation Commission and Land Trust for Natural Resources and Recreation topics

Tabled to next month.

REPORTS AND SPECIAL ITEMS

2016 Meeting Dates

-set meeting schedule for 2016

There was discussion on the dates and they were set for the third Monday, with January on the 25th and February on the 8th, subject to change.

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

Election of Board Officers

-Chairman, Vice-Chairman, Secretary

Motion to keep the officers as currently in place as follows:

Chair- Brad Ward

Vice Chair-Tom O'Loughlin

Secretary- Tim Regan

Boyer-Berry (5-0)

COMMENTS BY BOARD MEMBERS

Mr. Boyer asked about a question from Mr. Cotta on the stormwater regulations. Ms. Paquet noted that the Town regulations in 2008 has a statement that volume control is strongly recommended. She noted that the State regulations changed in 2011. It was noted that applicants should follow the current regulations.

ADJOURNMENT

Motion to adjourn. Boyer-O'Loughlin (5-0). The meeting ended at 9:15 p.m.