

WEST GREENWICH
January 25, 2016
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, January 25, 2016. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:07 p.m.), Secretary Tim Regan, David Berry, and Alternate Bill Bryan (7:05 p.m.)
Mark Boyer and Alternate 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.

Acceptance of Minutes (CA)
December 21, 2015 Regular Meeting

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

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

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

Major Subdivision- Preliminary Plan **Public Hearing**

“Retail Pad C” --AP 1, Lot 4-4

-Centre of New England Boulevard; Zoning: Exit 7 Special Management District

Subdivide existing Retail Pad “C” from rest of lot

Owner/Applicant: Commerce Park Realty, LLC (Attorney Matthew McGowan, Receiver)

Attorney John Boehnert approached the Board on behalf of Mr. McGowan, the receiver for Commerce Park Realty, LLC. Mr. Boehnert noted that he is here on a combined Master and Preliminary Plan for a subdivision and explained the proposal. He noted that it is a major subdivision because prior parcels have been split out of this parcel in the past. He explained that the parcel being cut out now is already developed and noted that since no development is planned, many of the checklist requirements were not applicable.

Board member Bill Bryan arrived at 7:05 p.m.

Mr. Boehnert further discussed the existing conditions on the property and noted that it has 91 parking spaces, permanent access to a street, and the utilities are installed. He noted that the dimensional and density requirements of the zoning ordinance are met and that it is consistent with the Comprehensive Plan.

Mr. Boehnert introduced Mr. Russell Crossman, the engineer who prepared the plans.

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Mr. Boehnert discussed the procedure for the payment of taxes and noted he would like to propose a clarification to the proposed condition of approval. Mr. Boehnert discussed an escrow account with the title attorney and the sequence of recording the deed, the plan, and paying the taxes. The Board members had questions and there was further discussion on the process of when the taxes get paid. Assistant Solicitor Goins noted that her office can work this out. Mr. Boehnert noted that the sale of the property will bring money into the receivership, which will be used to pay creditors, including the Town. Chairman Ward expressed caution to ensure that the Board's decision is in accordance with the rules and regulations and worked out with the Solicitor's office.

Mr. Crossman approached the Board. He referred to the plan and explained that there is an existing ten acre parcel and an existing Pad C. He noted that they are going to cut it out as a two acre parcel from the ten acres, and leave the eight acres. He noted that they have a buyer for the Pad C. He pointed out the shaded area of the access and utility easement. He noted that there will be no construction and that it is just a paper transaction. He noted that the parcel for the Marriott was cut out in 2013.

Board member Tom O'Loughlin arrived at 7:07 p.m.

Chairman Ward asked who is responsible for maintaining the roadways and the easement. Mr. Crossman noted it is the receiver. Mr. Ward asked if the right-of-way is on the parcel that is being cut out. Mr. Crossman explained that it is separate and goes with the other eight acres. The Board had further questions to clarify who maintains the easement. Mr. Boehnert explained that there is a common area maintenance agreement and that the entities that are in receivership are responsible for maintaining the roadways, and that everybody gets billed a correct share.

Mr. Regan asked if there is any master planning going on by the receiver. Mr. Crossman noted that they have been trying for three years to find buyers and noted some history of previous projects within the Centre of New England. He explained that there is still the Pad D foundation there and that someone could buy that, and that there is still more land that could be developed. Mr. Regan expressed concern that the balance of the land could be jeopardized by one purchaser. Mr. Crossman noted that it is already built and that someone may not want to buy all eight acres.

Chairman Ward suggested entertaining a motion with language about the property taxes to be coordinated with the Solicitor's office to ensure payment of taxes.

Motion to approve the combined Master and Preliminary Plan for the subdivision entitled, "Pad "C" Major Subdivision for Plat Map 1, Lot 4-4," located at Centre of New England Boulevard, West Greenwich, RI, prepared by Crossman Engineering, prepared for Commerce Park Realty, LLC, dated December 2015, with the following condition:

1. That the property taxes be paid just subsequent to recording and that prior to recording the subdivision, a document and an agreement has been reached with the Town Solicitor as to how that payment will take place.

This motion is based on the findings of fact 1 through 7 as noted in the memo.

Berry-Bryan. (5-0)

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Mr. O'Loughlin expressed concern with the word 'subsequent.' It was noted that the payment of the taxes would be coordinated prior to the recording. Assistant Solicitor Goins noted that the wording will be worked out.

PLANNING PROJECTS AND ADVISORY OPINIONS

Wind Power – Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion on policy questions

Ms. Paquet noted that the State just issued a new siting manual dated January 2016. This item was continued to next month.

Comprehensive Plan Update

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

Ms. Paquet noted the information she provided in the packet. There was discussion on the comments that were received from the Celebrate West Greenwich Day. Chairman Ward discussed the input.

There was discussion on affordable housing. The Board noted it was a broken system. Chairman Ward expressed concern with affordable units not selling in other communities. He noted that he is a proponent of workforce housing, but that the system isn't doing that. Mr. Bryan noted the costs to develop land in this town and noted that it is not affordable housing. Mr. Ward noted that he thinks that we need to come up with a better way to obtain the affordable housing. He noted it would be nice to have a component of elderly housing. Mr. Regan noted you can't have it unless there is a market for it. Mr. Bryan noted that the regulations need to support the market demand. Mr. Ward noted that units are not selling with a 30 year restriction. He noted that we need to come up with something that will work. Mr. Bryan noted that young people want to be in an urban environment, which is not realistic for West Greenwich. He noted that we should recognize in our plan that we will work to what the market in our community will support.

Ms. Goins noted that the State will not deny our plan if we have not meet the 10 percent goal, but that they could reject the plan if they find that the Town has not done enough to show what steps the Town will take to achieve the goal at some point in the future. She suggested some ideas to encourage developers. She noted that there are standards for the housing chapter that the State will be looking for. Mr. Bryan noted that strategies we could adopt don't mean anything unless the marketplace responds to it. He suggested leaving the opportunity wide open for the market to respond. Mr. Ward noted that the maximum opportunity comes under the Comprehensive Permit. He expressed concern that by not obtaining the ten percent goal, there is some sort of a throw to the Town.

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Ms. Goins noted that what the Town can do with the Comprehensive Plan is review what areas in the Town you think are appropriate for further development or the development of low-mod income housing. She explained that without an approved plan, if the Town were to reject one of the Comprehensive Permit proposals, or the State Housing Appeals Board were to review it, they could basically put the development wherever they want.

Chairman Ward expressed concern that there is a lot of action that could be taken against the Town if we don't develop the ten percent. There was discussion on the Comprehensive Permit provision. There was discussion on the affordable housing in other communities that already had it, and didn't have to do it. Chairman Ward noted that we have to do it, and noted that it would be nice to come up with a mechanism that actually works. Mr. Regan expressed concern that it is not achievable.

Ms. Paquet noted that the Town already has an Affordable Housing Plan and that all we need to do now is update it.

There was further discussion on the Comprehensive Plan update. Ms. Paquet noted that the Land Trust and the Conservation Commission have provided comments on the Natural Resources and the Recreation topics. She asked if the Board wanted to have a consultant help with the Housing topic. Mr. Bryan suggested getting comments from the RI Builders Association about the current housing market.

The Board decided to have Ms. Paquet draft the updated Natural Resources chapter, rather than analyze another existing chapter.

ADJOURNMENT

Motion to adjourn. Berry-O'Loughlin (5-0). The meeting ended at 8:07 p.m.

WEST GREENWICH
February 8, 2016
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, February 8, 2016. Present were: Chairman Brad Ward, Secretary Tim Regan, Mark Boyer, David Berry, and Alternate Bill Bryan (7:20 p.m.)

Vice Chairman Tom O'Loughlin and Alternate Brian Wallace were absent.

Assistant Town Solicitor Amy Goins was present. Town Planner Jennifer Paquet was absent.

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 25, 2016 Regular Meeting

There was no vote on the consent agenda.

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

Continued to next month.

NEW BUSINESS

Advisory Opinion to the Town Council proposed Zoning District Change

“Dupuis Oil Company” AP 14, Lot 13 at 746 Victory Highway

Current Zoning District: RFR-2; Proposed Zoning District: Highway Business

Owner: Edwin R. Morton, Trustee; Applicant: Dupuis Oil Company (Mark Dupuis)

-Proposed home heating oil and propane distribution center and office

Mr. Boyer recused himself from these two related agenda items.

Attorney Tom Cronin approached the Board. Mr. Cronin explained the proposal is to change the residential zoning to highway business, which would be an extension of the existing highway business zone.

The Board took comment from the audience.

Mr. Tom Romeo, John Potter Road, expressed concerns of the oil and possible effects to well water. Mr. Romeo asked the Board to be vigilant of environmental concerns.

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Motion to recommend to the Town Council the approval of the proposed zoning district change as presented. Berry-Regan (3-0)

Advisory Opinion to the Zoning Board for Special Use Permit

“Dupuis Oil Company” AP 14, Lot 13 at 746 Victory Highway
Current Zoning District: RFR-2; Proposed Zoning District: Highway Business
Owner: Edwin R. Morton, Trustee; Applicant: Dupuis Oil Company (Mark Dupuis)
-Proposed home heating oil and propane distribution center and office
-SUP for Zoning Matrix Code 152: Petroleum Bulk Storage

Mr. Boyer remained recused for this next agenda item.

Attorney Tom Cronin explained that the proposal is for bulk storage of petroleum. He noted there would be two tanks with self protection of 110% containment.

Someone expressed alarm that a catch basin was planned for the site. It was noted that there would be an oil-water separator.

Motion to recommend to the Zoning Board that the Special Use Permit be approved. Berry-Regan (3-0)

Board member Alternate Bill Bryan arrived at 7:20 p.m.

Mr. Boyer rejoined the Board.

Discussion on Possible Off-site location for Affordable Homes

“Cedar Ridge” AP 1, Lot 10-3 off New London Turnpike
-Request for discussion on possibly locating the required affordable units off-site.

Attorney Tom Cronin approached the Board. Mr. Michael Kent, developer of the project, was present.

Mr. Cronin explained that the triplex units do not fit in with the surrounding units. He requested that the construction of 18 units be at another location in Town.

Mr. Kent requested funding instead of affordable housing at this location.

There was discussion on if elderly or veteran housing would be a better idea.

There was discussion on a proposed agreement.

There was discussion of the history of moving affordable housing from Centre of New England to this Cedar Ridge location.

No action was taken.

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Major Land Development Project: Final Plan

“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

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

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

Attorney Tom Cronin approached the Board. Mr. Michael Kent, developer of the project, was present.

Mr. Cronin noted that the roads and utilities are underway or completed. It was noted that there was 80,000 cubic yards of material cut from the site and the DiPrete Engineering (the project engineer) rebalanced the site.

It was noted that the trees for the buffer are in process.

There was discussion on the access gate and when it needs to be installed.

Motion to approve the final plan for the Cedar Ridge condominium development contingent on resolving all the outstanding engineering issues, receipt of a letter from the design engineer regarding the changes on the as-built plan, subject to an acceptable form of guarantee for the outstanding construction items, and subject to follow-up review by the Planning Board Chair. Boyer-Berry (5-0)

PLANNING PROJECTS AND ADVISORY OPINIONS

Wind Power – Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion on policy questions

Continued to next month.

ADJOURNMENT

Motion to adjourn. Berry-Bryan (5-0). The meeting ended at 8:05 p.m.

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March 21, 2016

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, March 21, 2016. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:36 p.m.), Secretary Tim Regan, David Berry, and Alternate Brian Wallace.

Alternate Bill Bryan was absent. Board member Mark Boyer has resigned.

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.

It was noted for the record that Mark Boyer has resigned from the Planning Board and taken a position on the Town Council. Chairman Ward wished him well and asked to have a letter sent to the Town Council thanking him for his outstanding service over the years.

CONSENT AGENDA

Acceptance of Minutes (CA)

January 25, 2016 Regular Meeting

February 8, 2016 Regular Meeting

Motion to pull the February meeting minutes off the consent agenda. Berry- Regan (4-0)

Motion to approve the January meeting minutes on the consent agenda. Berry- Regan (4-0)

There was discussion on the February minutes to clarify the motion for the Cedar Ridge application. Chairman Ward noted the motion should read to resolving all the outstanding 'engineering issues,' and that there was to be 'an acceptable method of bonding' for the outstanding construction items. He noted that Ms. Paquet has already come up with method to handle the outstanding items, but that the way the motion is worded conveys something different than the Board's intent. It was noted to add to the motion 'and acceptable method of performance guarantee.'

Motion to amend the February minutes accordingly. Berry-Regan (4-0)

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. He noted that his engineer is involved as well as his contractor to address the issues. (neither were present). Mr. Roch noted that he intends to have the items done within a month. Chairman Ward asked if the oil fill station has been addressed with Mr. Behan. Mr. Roch explained that the fuel tank was something that just came up because of the savings he could incur with having fuel delivered to the site. There was discussion on the fuel tank. Mr. Regan asked if there are any catch basins near the fuel tank. It was noted to have

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the Town's engineer take a look at where the tank is and what is around it. It was noted it will need to be added to the as-built plan to add it to the planning board's review.

It was noted that there is a list of outstanding items and there was discussion.

Motion to continue to the May meeting with Mr. Roch and Mr. Behan present at the May 16th meeting and for the final punch list items to be complete. Berry-Regan (4-0)

Major Residential Subdivision: Preliminary Plan w/ Waiver Requests Public Hearing

"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

Motion to open the public hearing. Berry-Wallace (4-0)

Attorney Thomas Cronin from Nolan, Brunero, Cronin, Ferrara, Ltd. approached the Board. Present with him were Robert Boyer, PLS of Boyer Associates and the applicants, Peter and Kathleen Holmander and Raymond and Julie Lemaire.

Mr. Cronin explained the proposal to subdivide Lot 28 into two pieces. He explained the dimensions of the proposed parcels and noted that the new lot has the required area for zoning and the required frontage on Breakheart Hill Road. He explained that the new lot had previously been a lot of record which was merged with Lot 27, and then most recently in 2009 it was merged to Lot 28 with an administrative subdivision. He noted that this is a minor subdivision with no road creation, but due to the request for waivers, it is a Major subdivision for review. He noted that they are here tonight for a combined Master and Preliminary Plan hearing.

Mr. Cronin explained the request for waivers, the most prominent being the lack of access via the lot frontage. He noted that the proposed lot of Parcel B has a major wetland in the front area immediately adjacent to Breakheart Hill Road. He noted that, for access, the proposal is to extend the existing driveway for Lot 27 up through the property to the proposed house, and to continue to the driveway of Lot 28 to allow for emergency vehicles to come in and leave without having to turn around. He noted this would benefit all three lots.

Mr. Cronin discussed the wetland and pointed out the defined wetland perimeter on the plan. He noted that any driveway would be an alteration of a wetland or possibly a crossing of a wetland. He noted that there was consideration of bringing the driveway up through Parcel A, which would have been significantly longer distance in linear feet. He added that to get around the buffer the other way, it would come close to the existing mobile home. He noted it was determined that the most efficient and environmentally friendly way would be to go through Lot 27 and for emergency use to connect to Parcel A. He noted there would be an easement.

Mr. Cronin noted the existing driveway is 12 feet wide and that it is along the buffer of the wetland, and that they propose some vegetation to screen for privacy.

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Chairman Ward asked if the easement is permanent or restricted to emergency vehicles. Mr. Cronin explained the sections of the easement and noted it will be recorded.

Mr. Cronin noted they are also requesting a waiver on the shape of the lot. He described the lot boundary and the boundaries of the adjacent lots. He noted that the interior angle of proposed Lot B would be more than the ordinance allows, and that they are requesting a waiver on this to conform to the existing lines.

Mr. Cronin discussed the location of the existing well on Lot 27 and noted that it constricts their creativity along with the wetland and that the lot shape has to follow what is there.

Mr. Cronin noted that the last waiver they are requesting is for the suitability of buildable land. He noted that although the contiguous buildable land northeast of the wetland delineation is more than the minimum 1.4 acres, the total suitable land is less than the 2 acres required. He noted they are requesting a waiver from the 2 acre minimum. It was noted that they meet about 1.6 acres of suitable contiguous buildable land.

Mr. Cronin noted that RIDEM has verified the wetland edge and that they do have an approved groundwater table.

Mr. Cronin noted that there is a proposed roof drain due to the wetland nature of the property and that there will need to be better than average containment of water and runoff during construction, which will be shown on the permitting plans. He explained that once they obtain the OWTS permit, they will submit plans showing where the house is, the final driveway, and the well. He requested that this be administrative.

Chairman Ward asked if the Board had any questions. No one had any questions. Chairman Ward opened the hearing to public comment. No one had any comments.

There was discussion to clarify the minimum suitable land requirement. Mr. Berry noted that they meet 1.6 acres of contiguous land. There was discussion. It was noted that the requirement is 2 acres of total buildable land.

Mr. Cronin requested that the final plan be reviewed administratively.

Motion to grant approval for the three waivers for the shared driveway, the shape of the lot, and the suitability requirement. Berry- Regan (4-0)

Motion to approve the combined Master and Preliminary Plan entitled, "Holmander-Lemaire Subdivision," for AP 24, Lot 28, with access via Lot 27 on Breakheart Hill Road, dated January 13, 2016, prepared for Peter & Kathleen Holmander & Raymond & Julie Lemaire, prepared by Boyer Associates, with the following conditions:

1. A lien shall be placed on the new lot for the Open Space and Recreation Fee in lieu of land dedication, to be payable should the lot transfer within five years.
2. Follow comments by Fire Chief

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3. Install emergency access per plan, which includes the emergency access between Parcel B and Parcel A and that this be specified in the deed for emergency use only.
4. Follow comments by Director of Public Works
5. That the Planner review the Final Plan administratively
6. That proper erosion controls be used during house construction.
7. Submit detail for proposed roof drain.

This approval, with conditions, is based on the findings of fact 1 through 7 in the memo.
Berry-Regan (4-0)

Major Residential Subdivision: Pre-Application Plan

“Sundown Estates” – AP 25, Lot 2

--John Potter Road; Zoning: RFR-2

Proposed subdivision of 7 frontage lots

Applicant/Owner: Sundown Corporation (Michael Primeau)

Michael McCormick, PLS from Alpha Associates approached the Board along with applicant Michael Primeau. Mr. McCormick described the location of the parcel and explained the proposal. He discussed the physical features of the property and noted that the wetland edge has been flagged and verified by RIDEM. He noted that they have conducted water table soil evaluations for proposed septic systems which were all between 5 and 6 ½ feet. He noted that they are proposing 7 frontage lots and that they have adjusted proposed Lot 2 so that all of the lots meet the two acres of suitable land requirement.

Mr. McCormick noted that the proposal conforms to all regulations for zoning and subdivision. He noted that they looked as sight distances and that it should be ok.

Board member Tom O’Loughlin arrived at 7:36 p.m.

Chairman Ward referred to the Planner’s memo and asked about the portion abutting the Arcadia State Forest and the Breakheart Brook and asked if they were interested in doing an administrative subdivision. There was discussion. It was noted that a discussion has already been made with RIDEM who would be interested in the wetlands, stream, and some associated buffer to go along with it. There was further discussion. The Board urged that it be pursued. There was discussion on the Town losing the opens space and recreation fee and the environmental benefit of preserving the land.

There was discussion on the shape of the rear of proposed Lot 5 and discussion on odd shaped lots. There was discussion on following the stonewall and natural features.

Chairman ward recapped to address the readjustment of the line in the rear on Lot 2 and to determine what is to be done with the Breakheart Brook and pursuing it with RIDEM.

Mr. Berry asked about the placement of the houses to stagger them so they don’t look like a straight line. Mr. McCormick noted they don’t want to go too far back because the topography drops off and it gets kind of bony. Chairman Ward asked to have a way to stagger them for the master plan.

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Mr. McCormick asked if the Board has the opportunity to change this into a conservation design. He presented a yield plan with thirteen lots and a few schemes of conservation layouts for open space. The Board was ok with the frontage lots.

Advisory Opinion to Town Council

-Proposed amendment to Zoning Ordinance Use Matrix to address different forms of utility power

Ms. Paquet noted that the next agenda item for the Wind Power is related to this item.

Chairman Ward asked about the case law mentioned in the memo. Ms. Paquet explained it was the Newton case that prohibits both a special use permit and a dimensional variance unless the Zoning Ordinance specifically allows it. Ms. Goins clarified that this effectively prohibits wind turbines in Town. There was discussion on the proposed changes to the use matrix as an interim step while the Town works on putting regulations in place.

Ms. Paquet explained that the top line of Fuel and Power is proposed to be removed and considered a generic category as a major heading under which the specific types of power are given as individual uses. It was noted that eventually there will be specific standards for the types of power.

Chairman Ward asked what the different zoning districts are. Ms. Paquet explained the different zoning district categories. Mr. Regan asked where the Corporate Zoning district was. Ms. Paquet noted it is where the GTech campus is. Mr. Berry asked if the solar power is proposed for a special use permit in the residential 2 acre district, why it is not proposed as a special use permit in the Industrial A district. Ms. Paquet noted that there spatial reasons that she explained in the memo. Mr. Berry noted it seems to be reserving that for business and industry. He ask as an example if you have a hundred acre parcel zoned Industrial A and you developed fifty of it with buildings and another twenty acres with solar panels. Ms. Paquet noted she doesn't know if it would be considered an accessory use, or if it was being subdivided, but that it could go through a zone change. Mr. Berry noted he is just questioning why it would be prohibited if the Town only has so much Industrial A land and if we allowed it by special use permit and took up half of the Industrial A land we wouldn't have money coming in for development. He asked if the amount of Industrial land is that limited that we wouldn't want to have that as a special use permit. Ms. Paquet explained that the Industrial A land has really good access and this is why Industrial B has solar as permitted, because it is still industrial land, just not on prime highway access.

Chairman Ward asked if there is anything planed for the proposed 'reserved' use. Ms. Paquet noted that there is not at this time, and noted that hydro is not going to happen and that nuclear was already addressed. She noted that the other options are anaerobic digestion, and biosolids such as wood. It was noted that fossil fuel was added.

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Mr. Regan asked why there are so many 'X's' on solar power and asked if someone was against solar power in town. Ms. Paquet explained that it has to do with location and noted that most of the acreage in Town is zoned RFR-2 so there is plenty of room for it to go. Ms. Goins noted that these use codes are for principle use categories. Ms. Paquet confirmed that it does not address accessory use.

Mr. Regan asked if there was a hundred acre site and thirty of it was really good highway business land but the rest is cost prohibitive to bring utilities out there, how this proposal would hurt that. Ms. Paquet noted you would never bring utilities out somewhere for a use that was not actually going to use it. There was discussion. Ms. Paquet noted that there is always the option to apply for a zone change and to let the Town Council make the decision. There was further discussion on other types of amendments to the Zoning Ordinance that could be made to allow for certain uses and how the special use permit criteria and process is different than amending the zoning ordinance.

Mr. Regan mentioned that there was a Supreme Court case in North Kingstown. Ms. Goins explained that there was a recent decision about involving the Town of North Kingstown and their tax treatment on wind systems. Mr. Regan asked how that will impact the Town with the Leyden's solar power. Ms. Goins noted that her office is looking at whether that decision can be extended to other Towns, and that they are not sure yet whether it applies universally to all towns in Rhode Island. Mr. Regan noted that if it does, the Town of West Greenwich loses \$20,000 a year in payments from the Leyden's facility. Ms. Goins noted that there legislation proposed now that would affect the taxation of renewable energy systems. Chairman Ward questioned if that is the case, why would the Town want to put solar power on Industrial land and not try to encourage development that would generate taxes. He noted that this may be the driving factor to save our land to allow for taxable entities rather than untaxable entities. There was discussion that the Town could always revisit the Zoning later down the road. Ms. Goins noted that if the Board decides to do this now as an interim step, that they could revisit this as part of the larger Comprehensive Plan update process.

Mr. Berry asked about the wind power category. Ms. Paquet discussed that once everyone agrees on the all the proposed regulations for the wind power, it would go to the Town Council for adoption.

There was discussion on the schedule for the public hearing with the Town Council. It was noted that the Council can enact at the hearing, or have it effective as of a later date like they did with the Growth Management regulations.

Chairman Ward noted he wanted all the members of the Board to understand what is going on with this. He entertained a motion.

Motion to give an advisory opinion to the Town Council that the proposed amendment is consistent with the Comprehensive Plan. O'Loughlin-Berry (5-0).

Ms. Goins noted that there is legislation proposed now about the tax for renewable energy projects and noted that the impact of the North Kingstown decision is still up for debate.

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Wind Power – Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion on policy questions

Ms. Paquet noted she had given the Board a memo of policy questions to decide on for the details of the ordinance. She noted that the Town is waiting to see what the ten turbines going in over the line in Coventry will be like and that the State Office of Energy Resources has come out with a new set of standards which is under public comment right now.

Mr. O'Loughlin asked if the Town can put a stipulation in the ordinance so that the shadow of the tower does not leave the property limit. It was noted that this can be done. There was discussion on the effect of the shadows and flicker. Ms. Paquet noted we could have them shut down when flicker takes place. Mr. O'Loughlin doubted this and noted that it would be an enforcement problem and that the turbine wants to make money so they won't shut down.

Ms. Goins noted that the public comment period on the proposed guidelines may be extended. It was noted that these are only guidelines and not requirements for the Town.

Ms. Goins noted that Coventry just passed an ordinance on wind power.

Ms. Paquet noted she will send the Board the new proposed state guidelines again.

Comprehensive Plan Update

- Discussion

There was nothing to report.

REPORTS AND SPECIAL ITEMS

Cedar Ridge

Ms. Paquet noted that the Cedar Ridge decision was issued and that she has received a letter from the applicant's engineer regarding the as-builts and that after some questions were answered, that Mr. Cotta is ok with it and that she expects a memo from Mr. Cotta soon for the file. There was discussion on ensuring the outstanding items are completed. Ms. Paquet noted somehow building permits were issued, but that she never signed off on any building permits other than the three models. She noted that she gave a deadline of July first for the outstanding items to be completed.

CDBG

Ms. Paquet noted that the Community Development Block Grant applications will be on for the April meeting.

WEST GREENWICH
March 21, 2016
PLANNING BOARD MEETING

COMMENTS BY BOARD MEMBERS

Chairman Ward noted that he would like to have a letter drafted to the Town Council recognizing Mr. Boyer's outstanding service and contributions to the Board. He wished Mr. Boyer the best on the Council, and noted he did an outstanding job on the Board and as Chairman.

ADJOURNMENT

Motion to adjourn. O'Loughlin-Berry (5-0). The meeting ended at 8:25 p.m.

WEST GREENWICH
April 18, 2016
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, April 18, 2016. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin (7:04 p.m.), Secretary Tim Regan, David Berry, and Alternates Brian Wallace and Bill Bryan (7:01). 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 21, 2016 Regular Meeting

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

Alternate Board member Bill Bryan arrived at 7:01 p.m.

Residential Compound Subdivision: Pre-Application Plan

“Jones Residential Compound” – AP 8, Lot 18

--Weaver Hill Road; Zoning: RFR-2

Applicant/Owner: Ryan P. & Sherri A. Jones

Mr. Craig Carrigan, PE of Carrigan Engineering, Inc. approached the Board and presented the application. He explained the existing conditions and noted that the proposal is to subdivide the property into two lots. He noted that two conventional yield plans were also submitted and described them.

It was noted that not all the proposed plans meet the minimum requirements. There was discussion on coming into compliance with the regulations.

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

There was discussion if there are any easements from Harry Andrews Road or if there is any frontage there. It was noted it wouldn't be a residential compound and there is not enough frontage there.

WEST GREENWICH
April 18, 2016
PLANNING BOARD MEETING

Community Development Block Grant Program (CDBG) : Program Year 2016 Grant Round

-- Provide Advisory Opinion to Town Council on proposals

Chairman Ward asked if anyone in the audience wanted to speak on this matter. Geri Manning from Cornerstone Adult Services approached the Board. Ms. Manning explained that Cornerstone Adult Service is a member of the St. Elizabeth Community and that they provide adult day programming for elders and adults with disabilities. She noted the population within West Greenwich that are served. She described the program and how they work with the families.

Chairman Ward pointed out that there was a typo in the Planner's memo, that the total amount the Town is going to submit to the State for is \$5,500, not \$550.

Chairman Ward entertained a motion to approve.

Motion to make a finding that the following proposed projects in the 2016 CDBG request are not inconsistent with the Comprehensive Community Plan and that the Planning Board recommends to the Town Council the following priority order:

1. Cornerstone Adult Services
2. Housing Rehabilitation

Berry-O'Loughlin (5-0)

Ms. Manning invited the Board members to visit the Cornerstone location in Coventry to see the program in action, and to just give her a call.

Wind Power – Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion on policy questions

There was discussion on the State OER draft guidelines. It was noted that there should be something in place sooner rather than later. Chairman Ward asked the Board to consider a special meeting, and asked what applications are coming up for next month. There was discussion. The Board noted to continue this item to May and to be prepared for a productive discussion and to go over the proposed ordinance and policy memo. It was noted that the Board members could send comments to Ms. Paquet in the meantime.

Comprehensive Plan Update

- Discussion

There was no discussion.

WEST GREENWICH
April 18, 2016
PLANNING BOARD MEETING

REPORTS AND SPECIAL ITEMS

Ms. Goins noted that the Town Council approved an ordinance for medical marijuana which regulates compassion centers by Special Use Permit in certain zones, and that defines a medical marijuana emporium, which is prohibited in all districts. She noted that the Town Council chose not to incorporate non-residential cooperatives in the ordinance, and explained that since it is specifically not in the ordinance, that the Solicitor's office advises that it would not be a permitted use. The Board clarified that if a use is omitted from the Zoning Ordinance, then it is specifically prohibited.

Ms. Goins noted that her office is working on an ordinance to address farm related uses and that it should be ready for May for an advisory opinion to the Town Council.

Ms. Paquet noted that an issue has come up with mailboxes at Stonebridge Estates. She noted that the USPS requires a cluster box at the new road intersection and that the developer for Stonebridge Estates won't cooperate. It was noted that this isn't a Town requirement, but that the Public Works Director has said he likes it on the subdivisions where it has been done. Ms. Paquet noted that State Representative Robert's office has contacted her about this issue at Stonebridge Estates. Ms. Paquet noted that she has contacted the Coventry post office and that they haven't had a problem with any other development. She noted that the Town may need to put a special ordinance in place. The Board questioned if there is already a requirement that all Federal requirements must be complied with. The Solicitor's office will look into this issue.

ADJOURNMENT

Motion to adjourn. Bryan-O'Loughlin (5-0). The meeting ended at 7:52 p.m.

WEST GREENWICH
May 16, 2016
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, May 16, 2016. Present were: Chairman Brad Ward, Vice Chairman Tom O'Loughlin, Secretary Tim Regan, David Berry, and Alternates Brian Wallace and Bill Bryan. Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet were present. Chairman Ward called the meeting to order at 7:04 p.m.

It was determined that there was a quorum.

Acceptance of Minutes (Consent Agenda)
April 18, 2016 Regular Meeting

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

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. Tim Behan, PE with Commonwealth Engineers approached the Board along with owner Mr. Ray Roch.

Mr. Behan gave a summary of the progress and noted they are in the construction phase and checking conformance. He noted that there was a punch list letter that has not been fully complete, noting that it is about 75 % completed. He noted that the contractor is supposed to be completing the rest of the items within the next two weeks. He noted what is significantly remaining is the impervious driveway which needs an additional depth of crushed stone in that area. He noted that the big items like stabilizing the soil is mostly complete and that the ring road between the public well and the building has been grassed and seeded. He noted that the entire septic system area has been hydroseeded. He noted that there are a few more punchlist items that need to be done.

Chairman Ward asked if the cut on the parking lot is done. Mr. Behan noted that it is all stabilized on that side. Mr. Ward asked about the erosion around the basin. Mr. Behan noted it has all been stabilized. Mr. Ward asked if the drainage system is fully functional. Mr. Behan noted that the drainage system is almost complete and that there are some roofs drains that pitch off to the back and there is a little erosion there that needs to be stabilized but that it is minor.

There was discussion about having the items completed. Chairman Ward gave a two month deadline for the completion. There was discussion about the contractor.

Motion to put this item on the July agenda and that the engineer’s appearance at the meeting is contingent on letters from the engineers.

Berry-O'Loughlin (5-0)

WEST GREENWICH
May 16, 2016
PLANNING BOARD MEETING

NEW BUSINESS

Major Commercial Land Development Project: Preliminary Plan

“Truck Stop Improvements”- AP 48, Lots 2-3 & 2-5; AP 49, Lots 2 & 3; and AP 13, Lot 18

-Victory Highway; Zoning: Highway Business

Discussion on application status

Applicant/Owner: TA Operating, LLC (c/o Thomas M. O’Brien, President/CEO)

Attorney John Pagliarini, Jr. approached the Board along with Tim Behan, PE from Commonwealth Engineers. Mr. Walter Fouche from TA was present in the audience.

Mr. Pagliarini noted that the Preliminary Plan submission was deemed incomplete and that they are here tonight to fill in some of the blanks and hopefully schedule a public hearing. He noted that since the last time they were here, they have relocated Breakheart Hill Road and added the turning lane on Route 102. He noted that they have also made a gravel parking area where the old Breakheart Hill Road was. He noted it is the wish of the applicant to pave that as soon as possible.

Mr. Pagliarini noted that they do have a noise study which will be submitted soon. He called Mr. Behan to address the Planner’s comments.

Mr. Behan, PE presented a plan of the site and pointed out what has changed since the Master Plan submission. He noted they have incorporated the Town’s comments and kept the overall design the same. He pointed out the changes on the removal/demolition plan and to the pavement. He noted that the same signage is the same. He noted that the grading and drainage has been designed to the new DEM drainage manual. He discussed the drainage, landscaping, and lighting.

Mr. Behan noted that there is an additional curb cut, which was requested by the fire chief. Mr. Bryan asked if it would warrant a traffic study to ensure it doesn’t complicate anything. Mr. Behan noted that they are applying for a Physical Alteration Permit from RIDOT.

Mr. Behan noted that they have also asked the RI Department of Health to provide a letter regarding the public well.

There was discussion on the relocation of the telephone poles.

Mr. Pagliarini noted there is also a request for changes to the Master Plan decision letter. The Board went over the proposed changes to the Master Plan letter. It was noted that some items are no longer applicable or have been completed.

There was discussion on the PAP permit requirement for the application. The consensus of the Board was to allow the PAP to be subject to being applied, but not needed to be received.

It was noted that the requested changes to the Master Plan decision letter can be addressed at the public hearing. Mr. Ward thanked Mr. Fouche for having Breakheart Hill Road moved.

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PLANNING BOARD MEETING

Major Residential Subdivision: Master Plan Public Informational Meeting

“Sundown Estates” – AP 25, Lot 2

--John Potter Road; Zoning: RFR-2

Proposed subdivision of 7 frontage lots

Applicant/Owner: Sundown Corporation (Michael Primeau)

Mr. Michael McCormick, PLS from Alpha Associates approached the Board, along with the owner, Mr. Michael Primeau of Sundown Builders.

Mr. McCormick described the location of the parcel and the surrounding area. He noted the riverbank wetland, the RIDEM approved edge of the wetland, and the test holes for the septic systems. He noted that the water tables were around six feet. He noted that the site is bounded almost entirely by stonewalls, that the topography is rolling, and that there are decent soils. He pointed to an old farmstead location on the parcel.

Mr. McCormick presented the proposal of single family residences serviced by septic systems and private wells. He noted that there are 7 lots proposed all ranging in size, and all meeting all the Zoning and Subdivision regulations. He noted that each site will have its own stormwater infiltration system and it will be reviewed by the State.

Chairman Ward asked if parcel 2 meets the minimum suitable land area. Mr. McCormick noted that it has been addressed.

Mr. Berry asked if any progress has been made about conservation for the Brook abutting Arcadia with RIDEM. Mr. McCormick noted that they had a meeting with RIDEM, but haven't heard back yet. It was noted that this can be worked out administratively later. Mr. McCormick and Mr. Primeau noted that they are open to anything.

Mr. Berry asked about parcel 1 and if it has 200 feet of frontage. It was noted that it does.

Mr. Regan noted that the wells on lots 4 and 5 look close together. Mr. McCormick noted that there is no regulation for well separation. Mr. Regan noted that it is not a good idea. Mr. McCormick noted that they could adjust them north and south. Chairman Ward noted that we have had a problem with wells going dry in that section of Town. Mr. Regan noted that there have been a couple of developments that went in where the wells were hundreds of feet away and they were still connected. Mr. Primeau noted that he has put in one well and it had a high capacity.

Chairman Ward opened the meeting to comments from the public.

Mr. Doug Stuchel, 105 John Potter Road, noted he is across from parcel 2. He expressed concern with the runoff. H noted that he already gets a lot of runoff from John Potter Road and is concerned with additional runoff coming from the current driveway for parcel 1. He noted that the driveways for parcel 1 and parcel 2 are straight across from him. He explained that the runoff from parcel 1 has already resulted in runoff coming into his property. He further expressed concern that while they were constructing the site for parcel 1 they backed into his

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driveway and dug up big ruts, which now accumulate some of that water. He reiterated that his concern is with potential runoff flooding his property, pointed out that both driveways are across from his property. Ms. Paquet noted for the Board that the applicant has already applied for a building permit on parcel 1. Mr. Stuchel expressed his concern that if they don't do the drainage properly on either of the lots that it will come right into his property and add to the flooding problem. Mr. McCormick noted that he is not going to solve the John Potter runoff problem, but that Gordon Archibald engineers is developing the stormwater plans for each of the lots. Chairman Ward stated that it is supposed to be that whatever runoff is coming off the property now cannot exceed that rate after the construction is done, and that they need to come up with the method and they need to prove it in the design in order to construct. Mr. Ward noted that this should address his concerns and asked Mr. McCormick to put the engineer on notice of the concern so that it is specifically addressed. Mr. McCormick noted that there was runoff coming off the property before. Mr. Stuchel disagreed and noted that there is substantially more runoff now than there once was. Mr. McCormick noted that will be mitigated.]

Mr. Wayne Durfee, of Narragansett, noted that he owns the property right across from this application. Mr. Durfee asked if there are plans to put in a road. Mr. McCormick noted that they looked at it, and had design for 22 lots, but that it didn't seem practical because they felt it was cost prohibitive.

Mr. Durfee asked if to the west of parcel 6 if they plan on developing anything in there. Mr. McCormick noted that is lot 7 and it is big because they have to leave a 200 foot buffer to the stream.

Chairman Ward asked if there was anyone else who wished to speak.

Mr. O'Loughlin asked if there is anything that can be done now to divert the stormwater from going across the street. Mr. Primeau noted that he can put a swale in to divert the water into the woods. It was noted that this would be done this week. Mr. McCormick noted they can put in a construction entrance of riprap to keep the road clean. Mr. Regan asked Mr. McCormick to contact Gordon Archibald to help design something for in the interim.

Motion to approve the Master Plan for Sundown Estates at AP 25, Lot 2 for lots 1 through 7 with the stipulations that

1. The wells on lots 4 and 5 be separated farther apart than currently shown on the plan to the best of the ability.
2. That on lots 1 and 2 the applicant take temporary measures to divert the water that is going off lots 1 and 2 from the construction as much as possible onto his own property.
3. That for each lot the open space and recreation fee shall be applicable.

Berry-O'Loughlin (5-0)

WEST GREENWICH
May 16, 2016
PLANNING BOARD MEETING

Minor Commercial Development Project: Preliminary Plan

“Conneaut Industries, New Building”- AP 3, Lot 20

-Hopkins Hill Road; Zoning: Industrial A

Proposed warehouse building for existing textile business

Applicant/Owner: Conneaut Industries (Lance Banfield, President)

Attorney Sarah Lemke, of Hinkley, Allen, and Snyder approached the Board. Ms. Lemke introduced Mr. Russell Kibbe, CFO of Conneaut Industries, and Mr. Brandon Carr, PE of DiPrete Engineering.

Ms. Lemke explained that Conneaut Industries is a yarn manufacturer who has been operating in Town for about 25 years. She noted that they have a 45,000 square foot existing facility on 89 Hopkins Hill Road and that they are proposing a 25,000 square foot warehouse addition of single story metal frame building on the same site. She stated that this is the Industrial A zoning district and that they have complied with all of the zoning setbacks. She clarified the application is under Article 9 in the Zoning Ordinance for a Development Plan to the extent that it is different than a minor commercial development project. She explained to the Board that Mr. Kibbe will give a brief description about how the site operates now and what the change will accomplish for the business operations, and that Mr. Carr will give a presentation on the engineering aspects including drainage and wetlands buffers.

Mr. Kibbe explained that he is the Vice President of Conneaut Industries and that they have been at this location a little over 25 years. He noted that they have been a Rhode Island manufacturer since 1935, starting in West Warwick. He noted that they moved to West Greenwich in 1989 and built this original building. He noted that they have had a great relationship with the Town of West Greenwich and have appreciated all the support over the years. He noted that when they built the facility, they built it with expansion in mind. He noted that they filled out the existing building and started renting off-site warehouse space ten years ago. He explained that the warehouse is in North Kingstown, and that the company’s intention is to construct a building where they can warehouse all the raw materials on-site. He noted that right now they have their own truck that shuffles materials from the warehouse to the production facility, and then they shuffle finished good materials back to the warehouse to be shipped out. He noted it is not really the most efficient way to do things, but they have achieved sustained growth over the years and that they feel it is time to expand the on-site storage facility so that they can move away from renting space off-site.

Mr. Kibbe explained that for the impact, they are utilizing their own truck to bring material back and forth on a day to day basis, which is usually sometime between the hours of 7 a.m. and 5 p.m.. He noted that most of the activity happens on first shift. He noted that with the warehouse on site they won’t have to shuffle material back and forth. Ms. Lemke added that there will be no increase in employees, and that with the warehouse on site it will alleviate the need for the truck coming back and forth every day. She noted that the increased space won’t necessitate any additional workers and therefore no additional parking. Mr. Kibbe noted that was correct.

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Mr. Brandon Carr, PE, described the site location and the area around it. He described the features of the existing building, the site parking and outdoor features and described the location on the site where the new building is proposed.

Mr. Carr described the location and buffers for the wetland and small stream, and the existing drainage pond. He noted that they do not plan on interfering with the existing system.

Mr. Carr described the proposed development of a 25,600 square foot framed metal building of warehouse space with one small bathroom. He noted there is a septic system proposed. He pointed out the proposed loading docks on the northern end of the building and a drive-in door in the center of the building. He pointed out the locations of the man doors on the front and side of the building and noted that there are two man doors on the back side of the building. He noted that the lighting will be attached and limited over the docks and the doors.

Mr. Wallace asked if they considered attaching the warehouse to the existing building to avoid having to driving across the parking lot. Mr. Kibbe noted that there have been several discussions on the pros and cons of having something attached, and that they did take that into consideration. Ms. Lemke asked Mr. Carr about the constraint of the existing stormwater basin and the riverbank wetland edge. Mr. Carr pointed out where the logical place to add an addition would be and noted that it would be close to impinging on the existing stormwater basin. There was discussion.

Mr. Carr discussed the utilities and noted that the gas and water would just be extended through the parking lot and that the 8 inch service water line was left with a connection for a future use in the back. He noted that they are working with Kent County Water Authority to perform a water model for the site right now. He noted that once they get the study back they will make a formal submission to KCWA. He discussed the water pressure and the use need of the site. He noted that it would not make sense to put in a sewer for such small flow so they designed a septic system. He noted that it has been signed off, and they are just waiting for the permit now.

Mr. Carr discussed the stormwater and noted that there are roof leaders to the system in the front and the back of the building and described the direction of flow. He described the proposed drainage features and the design concept.

Mr. Carr noted he has received the comments from the Town's consulting engineer and that it is noted that the permits need to be received. He noted that he has been talking to the Fire Marshal about the sprinkler system and flows and also access to the building. He noted that the Fire Marshal asked if they could get the truck closer to the building so he proposed a stone area for an emergency pull-up area, and noted that this will be added to the plan and finalized with the Fire Marshal.

Mr. Carr noted that there is a 100 foot rear yard setback that they are encroaching in with some grading for the swale around the back of the building. He noted that they are proposing to revegetate this and to add some additional screenings of dense plantings. He made a case noting the residential use is off away and there is a large hill in between. He noted the use of a warehouse building has no manufacturing or noise coming from the building. He noted that the impact would be limited to the two door lights in the back. He explained that they feel that the

WEST GREENWICH
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additional screening will be adequate to buffer the adjacent property. Chairman Ward asked for a rendering of the building. Mr. Carr noted he does not but that the architect is finalizing the design of the building now with colors. He noted it is a metal panel building with 12 foot high typical roll up doors. It was noted that the building complies with the height requirements of the zoning district.

Mr. Berry asked if the utilities between the buildings would be underground. Mr. Carr noted they would.

Mr. Regan asked about the lighting. Mr. Carr noted that the lighting proposed is small lights over the doors and some attached building lighting in the front. He noted that there would be no spill-over to any of the residential uses. He noted that the back is buffered with the hill that really isolates the area. Mr. O'Loughlin asked if the lights are on all the time or if they will be sensoried. It was noted that they are for emergency. Chairman Ward asked to have them dark-sky compliant. Mr. Carr noted that they have no problem with that. There was discussion on the lighting.

Mr. Berry asked about the landscaping. Mr. Carr noted that there is some landscaping to comply with RIDEM and the town regulations and landscaping of small plantings along the front and buffer screening in the back.

Mr. O'Loughlin asked if they foresee more deliveries and pick-ups of the product coming from this site. Mr. Kibbe noted they don't and explained that there will be less due to the internal fork lift. Ms. Lemke clarified the question and asked how often deliveries come in to the warehouse. Mr. Kibbe noted they come once or twice a week and explained the process of incoming and outgoing materials and when the deliveries and shifts occur.

Mr. Ward asked to have a set of renderings. Ms. Paquet pointed out that this building is significantly off the road and that the average person driving by won't even know that it is there. Ms. Lemke noted that they can submit it as a condition of the approval. Mr. Ward noted that it does not need to come back to the Board but that he would like to see it administratively, and that he wants to treat all applicants the same. Mr. Regan asked if it is a Butler building. Mr. Kibbe noted it is not, but that it is very similar. He noted that he has just approved all the specifics and that within the next week or two there will be a drawing of the building. The Board noted they have an idea of what it will look like.

Motion to approve the Preliminary plan for Conneaut Industries subject to administrative approval for the architectural renderings and that the plan be revised to show the dark sky compliant lighting.

Berry-O'Loughlin (5-0)

WEST GREENWICH
May 16, 2016
PLANNING BOARD MEETING

Minor Commercial Development: Final Plan

“65 Nooseneck Hill Road” – AP 6, Lot 29

Zoning: Highway Business

--including request for amendment to Preliminary Plan

Applicant/Owners: Thayden & Linda Waltonen

Chairman Ward noted that the applicant had asked for a continuance.

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

The Board took a 5 minute recess and returned at 8:29 p.m.

Request for Waiver of Development Plan Review/ Pre-Application Plan

“KREG Properties” – AP 6, Lot 21-2

--39 Nooseneck Hill Road; Zoning: Highway Business

Change of use with multiple commercial units

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

Mr. Michael Kent approached the Board.

It was noted that this building was the old church where the wall is busted down. Chairman Ward noted that they applied for a zone change and that a condition of the zone change required coming to the Planning Board. Ms. Paquet noted that a change of use has to come to the Board for Development Plan review. Mr. Ward asked about the uses. Mr. Kent noted he originally proposed three uses—his office, a supply of building materials, and his storage of classic cars. He noted that the classic cars are in the process of leaving. It was noted that the zone change was approved a few years ago. Mr. Kent noted he hasn’t seen anything telling him he had to come back, but that the Building Official said it is out there. There was discussion. Mr. Ward noted there is enough parking considering it was a church. Mr. Kent noted he needs about 20 spaces and there are 225 spaces. Mr. Ward asked if there was going to be something terraced off. Mr. Kent noted that would be a complete review and described where the wall caved in. He noted that there is a huge septic there because it was a church.

Mr. Ward noted that the application for the waiver noted the uses and said that the Board doesn’t get into uses, which is a zoning matter. He noted that the Board can’t accept the marijuana growth facility. Mr. Kent noted he will take it off. It was noted that the Town Council didn’t approve this.

Mr. Ward noted that everything is existing. Solicitor Ursillo noted that if there are new uses, then the Building Official will inform Mr. Kent whether or not they can be used in that zone or not. He noted that if the building is not changing and the parking is sufficient the waiver would be in order. It was noted that all the uses within the Zone change are subject to the Zoning Officer’s interpretation. It was noted that it changed from a church to a commercial use. There was discussion.

Motion to grant a waiver for KREG properties as there is no physical change to the building or the exterior of the site, and to strike the proposed use of marijuana growth from the application. Berry-O’Loughlin (5-0)

WEST GREENWICH
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PLANNING PROJECTS AND ADVISORY OPINIONS

Wind Power – Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion on policy questions
- advisory opinion to Town Council

There was discussion on the proposed ordinance.

Mr. Wallace noted that there should be a bond to remove the turbine because the life cycle has changed from 25 years to a 10 or 12 year lifecycle. He noted that the Town could get stuck with something that someone abandons.

Ms. Paquet noted that the ordinance has been designed with the dimensional parameters in it and that the policy questions were posed so that the Board would know what things could change.

The Board decided to go through the ordinance page by page.

On Page 1, Mr. Regan noted small systems should not exceed 100 feet in height and noted he agreed with this. It was noted that this includes the blade tip.

Mr. O'Loughlin noted that setbacks are 2 x on page one, but 3 x on page 4. It was noted that this is for two different types of turbines.

It was noted that turbines should be all special use permits and to correct this in the use matrix.

Mr. Regan referred to page 2 and noted that a sound study should be required for maybe medium size and up. The Board discussed this. It was noted to make it so that small turbine applications *may* require a sound study. It was noted that it shall be required on large systems.

Mr. O'Loughlin asked if there could be limits on flicker that it not fall on other properties. There was discussion. Mr. Wallace noted that the applicant could be required to put up a buffer like strategically placed trees. It was noted that this requirement could be placed by the Zoning Board as a condition of the Special Use Permit.

Mr. Regan asked about lighting. He suggested leaving the requirement as it was. The Board agreed.

Mr. Regan asked if there was still a question about geotechnical soils. It was noted this is standard.

Mr. O'Loughlin noted to make item 9b on page 2 to read it is a 'one line drawing.'

Mr. Regan asked about medium systems, which does not appear to be addressed. It was decided to remove medium systems, and just keep small and large. It was noted that this needs to be changed in the definitions, with small systems up to 100 kW, and large to be 100 kW and over.

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Mr. Berry asked if there should be a bond for small systems. There was discussion. For item 11, it was noted that there is no need for a bond on small systems, but to keep it on large systems.

Mr. Berry asked about on page 3, a utility scale facility is allowed in RFR-2 zoning district and expressed concern with a commercial turbine in the residential district. There was discussion. There was discussion on making a minimum lot size. The consensus of the Board is to leave it the way it is.

Mr. Berry asked about height for utility scale turbines on page 3. It was noted to add the definition of 'Height' from the June 2011 model ordinance. It was noted that existing grade is the natural existing grade, not fill.

Page 4, item 6, it was noted to strike the options underlined for shadow/flicker.

Page 5, item 15, there was discussion on bonding amounts.

Page 5, item 8.b. (from page 4) to remove it (signage for education).

Page 5, item 13 strike the second sentence about transformers.

Page 5, item 15, Removal of Structures- it was noted to keep it with 180 days and the bond needs to be submitted and reviewed. There was discussion. It was noted to require the applicant's engineer to provide bond amount for demolition at the time of the application and to require annual proof of the bond.

Page 5, item 16, leave it broad as-is.

Page 5, item 17, add that the private road shall be maintained for maintenance and emergency vehicles.

Page 5, item 18, to read 'current *applicable* industry standards.'

Page 6, met tower, to leave as it is.

Page 5, item 19, to remove the word 'automatic' and for the rest of the ordinance, too.

Page 7, to make the matrix consistent with the text.

After the proposed changes were made, the Board made a motion on the revised draft.

Motion to recommend approval to the Town Council for the Wind Power proposed amendment to the Zoning Ordinance. Berry-O'Loughlin (5-0).

Comprehensive Plan Update

- Discussion (nothing new to report)

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

Farm Accessory Uses/ Farm Retail Sales Activity - Proposed Amendment to Zoning Ordinance

- review of draft ordinance and discussion

-advisory opinion to Town Council

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

ADJOURNMENT

Motion to adjourn. Berry-O'Loughlin (5-0). The meeting ended at 9:21 p.m.

WEST GREENWICH

June 20, 2016

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, June 20, 2016. Present were: David Berry, Tim Regan, Tom O'Loughlin (7:50 p.m.) and Alternate Brian Wallace. Chairman Brad Ward and Alternate Bill Bryan were absent. Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet were present. Mr. Berry called the meeting to order at 7:05 p.m.

It was determined that there was a quorum.

Acceptance of Minutes (Consent Agenda)

May 16, 2016 Regular Meeting

Motion to approve the consent agenda. Regan-Wallace (3-0)

Minor Commercial Development: Final Plan

“65 Nooseneck Hill Road” – AP 6, Lot 29

Zoning: Highway Business

--including request for amendment to Preliminary Plan

Applicant/Owners: Thayden & Linda Waltonen

Attorney Thomas Cronin approached the Board for the applicant. Mr. Cronin noted the correspondence that has transpired. He noted that there has been no net effect on impervious surface because the paving where the bins would have been was eliminated.

Mr. Berry asked about the dumpster pad. Mr. Cronin noted they use a regular trash barrel and that there is no need for a dumpster.

Mr. Cronin noted that the property is up for sale. He noted that trucks cannot navigate the space and that they are not sure what the final use of the site will be.

Mr. Berry noted that the dumpster pad was a condition of the approval and that it needs to be installed. The Board noted that the trash needs to be addressed with the dumpster screening and the pad. The Board reviewed Mr. Cotta's report.

Ms. Paquet noted that there were some changes from the Preliminary Plan. It was noted that they are shown on the as-built.

Motion to approve the final plan for the minor commercial development at 65 Nooseneck Hill Road with the condition that the dumpster enclosure and pavement under the dumpster be installed and that the Town Planner may sign off administratively once this is complete. Regan-Wallace (3-0)

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Residential Compound Subdivision: Preliminary Plan Public Hearing

“Jones Residential Compound” – AP 8, Lot 18

--Weaver Hill Road; Zoning: RFR-2

Applicant/Owner: Ryan P. & Sherri A. Jones

Mr. Craig Carrigan, PE approached the Board on behalf of the applicant. Mr. Carrigan noted that Mr. Jones was present in the audience.

Mr. Carrigan noted that they have revised the plan to address the Planning Board’s comments from the Pre-application meeting. He noted the areas of the proposed parcels and noted that they verified water tables. He noted that a statement from a biologist was submitted noting that there are no wetlands on the parcel.

Mr. Berry asked if there was any potential for access off of Harry Andrews Road. Mr. Carrigan noted that Mr. Jones has elected to not provide an easement to that parcel and noted that they are two separate parcels. Mr. Berry asked the Board if they had any questions or comments.

Motion to open the public hearing to public comment. Regan-Wallace (3-0)

Mr. Berry asked if there was anyone in the audience here for this application.

Todd and Kelly Osberg, 162 Weaver Hill Road noted he is a neighbor and noted he is interested in knowing what the applicant is doing. The plan was presented to the neighbors. Mr. Osberg noted he had no objection.

Motion to close the public hearing. Wallace-Regan (3-0)

Motion to approve the Preliminary Plan for the Jones Residential Compound on Weaver Hill Road. Regan-Wallace (3-0)

Minor Commercial Subdivision: Preliminary Plan

“20 Technology Way” – AP 3, Lot 1-3

-on Technology Way; Zoning: Corporate Zoning District

Applicant/Owner: RSA Realty, LLC (John Caprio)

Mr. James Belavo on behalf of the applicant, and Mr. Richard Lipsitz, PLS from Waterman Engineering approached the Board.

Mr. Lipsitz explained the proposal to the Board. He noted that the owners of the lot have a buyer for the building and some additional land for future expansion. He noted that they are creating a lot to be sold with the building and that the owner is creating an additional lot for future development. He noted that sewer, water, and gas utilities are available to both sites and that the wetlands have been flagged. He noted that there is sufficient area for future development, but that there are no plans right now to do anything.

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The Board had questions on the shape and size of the new lot given the wetlands up in the back corner and its potential for development. Mr. Lipsitz described the physical features of the property and the zoning setbacks. It was noted that there is easily 5 acres of usable land on the proposed vacant lot. Mr. Berry expressed concern with the odd shape of the lot.

There was discussion on access for the new lot, and the possibilities and space for future development. It was noted that there is no development proposed at this time.

Motion to approve the Preliminary Plan for the minor commercial subdivision at 20 Technology Way, and that the final plan may be approved administratively by the Town Planner. Regan-Wallace (3-0)

Major Commercial Land Development Project: Public Hearing:

- **Request for Amendment to Master Plan Decision Letter**
- **Request for Waivers**
- **Preliminary Plan Review**

“Truck Stop Improvements”- AP 48, Lot 2-5; AP 49, Lots 2 & 3; and AP 13, Lot 18

-Victory Highway; Zoning: Highway Business

Applicant/Owner: TA Operating, LLC (c/o Thomas M. O’Brien, President/CEO)

Attorney John A. Pagliarini, Jr. approached the Board representing the applicant, along with Mr. Timothy J. Behan, PE with Commonwealth Engineers, and Mr. David Coate, noise consultant with David Coate Consulting. Mr. Walter Fouche from TA was present in the audience.

Mr. Pagliarini noted that the Board does not have the revised plan since the Technical Review Committee meeting.

There were two residents present in the audience for this application, and the Board invited them up to the table to view the plans.

Mr. Berry noted that the public hearing was open.

Mr. Behan presented the plans to the Board, starting with the existing conditions plan. Mr. Behan noted there is a proposed signage plan for direction and safety, which he noted is being reviewed by the RI Department of Transportation. It was noted that the telephone pole has not been moved yet.

Mr. Behan explained that the Master Plan had one curb cut for the gasoline station, and noted that the Preliminary plan has a second curb cut closer to Breakheart Hill Road with an aisle to the back in order to have two curb cuts on Route 102 and to be an emergency access to the back area which the Fire Marshal requested. He noted that at the TRC meeting it was requested to move the second curb cut away from Breakheart Hill Road.

Mr. Wallace asked about the campers staying overnight at the temporary parking lot. The Board concurred that they have seen trucks out front also, and expressed concern of this encroachment

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where the old Breakheart road was. Mr. Pagliarini noted that he will have the TA manager knock on doors to make sure they don't stay there.

Mr. Behan noted that basically this is the same layout as the approved Master Plan with the earth berm and parking of 130 spaces.

There was discussion on the temporary area out front where the trucks are parking. Mr. Pagliarini asked Mr. Fouche if there were any Jersey Barriers that could be put out. There was discussion. Mr. Fouche noted the manager can go out there to talk to the people parking out there and that they will take care of it.

Mr. Behan pointed out the stormwater best management practices and described the stormwater design.

Mr. Regan asked if this has been submitted to RIPDES and asked what state approvals they they are waiting on. Mr. Behan noted an application has been submitted to DOT and that they have already gotten initial comments, and that the application to Dept. of Health has been submitted. He noted that the application to Wetlands needs a new affidavit and that they recently finished rehangng the wetland flags. He explained that the Department of Health noted that the abutting motel property has an easement stating that nothing can be done in the area within 200 feet of the wetland, that was signed by the truck stop owner in 1988. He noted pointed to a section of the proposed drainage design and noted that this is what the Department of Health said needs to come out. He noted that this is being changed on the plan right now. He noted that the other comment from the Department of Health is that back when the septic system for TA was being replaced, TA applied for a new public well, and that the Dept. of Health noted that either the well approval needs to be withdrawn, or they need to move the drainage. Mr. Behan noted that the decision was to keep the plan the same and to move the proposed future public well over to the 2 acre lot off Break Heart Hill Road. He noted that they will still use the primary well and that this would be a back-up that they don't need, but that Dept. of Health said if they want to plan for it to put it on the plan now to avoid activities within the 200 foot setback. Mr. Behan noted that the comments from RIDOT were insignificant but that they will update the curb cuts and resubmit the plan. He noted that the last permit will be Wetlands/ RIPDES which will be submitted once the redesign is addressed.

Mr. Behan described the soil erosion control plan and the landscaping. He noted that four different species are proposed along Breakheart Hill Road and the new area in front of the Popeye's. He passed out a handout and described the plantings. He explained that they can't heavily plant the islands in the front because the subsurface infiltration systems are located under the raised grass areas. He noted that they are not planting anything on the State right of way except for grass. Mr. Regan asked what the timing is on the plantings. Mr. Behan noted they would like to get them in before Fall. Mr. Behan noted that the plantings in the back that were on the Master plan are already in and that the earth berm is already roughed in back there. He noted that the old gravel pavement area has been removed and restored and revegetated back there.

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Mr. Regan asked the residents if they have noticed a difference in noise with the berm and the trees. Mr. Madden stated not really and explained that he can stand on his deck and see over the berm, noting that the truck stop is low and that he still has a line of sight for sound. Mr. Madden expressed that TA has been a lot better and that they seem to be addressing the idling. Ms. Daneau concurred. Mr. Madden He noted that he's called four times since the last time he was here about the parking and the idling in the back lot where the Zoning Board prohibited idling. He noted that if trucks are idling there, that he calls and they take care of it. He noted he's only called four times in a year, and noted that they have seemed to have followed through on everything they said they were going to do. Ms. Daneau noted that from her home on Catherine Wright Court she has not heard it. Mr. Pagliarini noted he asked the Police Chief what the history was for the last year on noise complaints. He noted that there was one in July 2015 when a truck got stuck on Breakheart and was spinning his wheels, and prior to that there was one in March 2015. He noted that they have gone over a year with no official noise complaints.

Mr. Behan continued with the sheets in the plan set and noted that the Town's consulting engineer is going to look at the proposed curb cuts. He discussed what was proposed and the Police Chief's concerns. He noted that there was discussion at the TRC that there are trucks that still go down Breakheart and there is no place to turn around. He noted there is a pull up that is long enough to get the truck off the road.

Mr. Regan asked if the two curb cuts are one in and one out. Mr. Behan noted that they are both for both directions. Mr. Berry asked what the timing is on the removal of the telephone pole. There was discussion on the telephone poles and the placement of the curb cuts.

Mr. Behan pointed out the subsurface drainage in the island areas. He then went over the proposed lighting and noted that the lighting consultant certified that they are dark sky compliant, and submitted the certification for the record. Mr. Behan noted that the poles in the front are 22 ½ feet high and went over the photometric plan. He noted that in the back area they are proposing one light in each of the four islands, with a height of 42 ½ feet.

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

Mr. Behan continued to go over the photometric plan and pointed out the locations of the proposed lights.

Mr. Behan recapped the outstanding permit applications to the various State departments.

Mr. David Coate approached the Board to present the noise study. Mr. Coate passed out a copy of the noise study. Mr. Pagliarini noted that the noise ordinance has a nighttime decibel level of 45. He noted that the testing was done over a year ago before some of the improvements were done.

Mr. Coate noted that he did an ambient noise monitoring survey, measured continuously for 24 hours at a time, at multiple sites on a number of days. He noted there is always the influence of ambient noise sources other than trucks, so in a case like this you have to do modelling using CADNA, which is the industry standard for this type of thing. He explained that the benefit of

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modelling in CADNA is that you can entertain various scenarios, such as a different number of trucks, and different groupings of trucks. He stated that the bottom line is that the noise level is around 47 dBA at the nearest residential locations on Breakheart Hill Road area, and that this is when there is a maximum capacity of trucks in the parking lot. He noted that from a modelling perspective, the number of trucks idling to trigger that level around 47 dBA is around 61 trucks idling. He explained that over the course of the modelling period, they had an employee of TA actually physically check the number of idling trucks in the lot every hour versus the number of parked trucks, and that those are two different numbers. He noted that on average the number of trucks idling is 27, and the maximum recorded was 61. He noted that he ended up modelling 61 trucks idling and that he also modelled 27 trucks idling. He reported that with 27 trucks idling, they get around 44 dBA at the closest residential locations, and with 61 trucks idling it is around 47 dBA. He noted that the conclusion of the study is that they did look at various mitigation options, like sound barriers, which are problematic in this case because they would need to be close to the receiver or very close to the source, both of which are problematic. He explained that the good news is that the largest recorded number of trucks during the monitoring period was 155 to 160 trucks, which is the total number of trucks, not the number of trucks idling. He noted that the plan is for a reduced number of 130 trucks, which happened after the study. He noted that the number of idling trucks has probably decreased, but that he doesn't know what that is. He recapped that with 61 trucks idling it is around 47 dBA, and with 27 trucks idling it is around 44 dBA, so if the idling is in that range, that is the kind of noise level you get at the residential location.

Mr. Berry asked about the idling, and recalled that there were some stipulations or recommendations about this a year ago. Mr. Pagliarini noted there was a 'no-idling zone.' Mr. Coate explained that this was modeled in CADNA. He explained that he took the physical area where there is no idling, and modelled it accordingly. Mr. Berry questioned if there was a back area designated as no idling, and another area that was limited to 15 minutes. It was noted that the State law is 5 minutes per hour. Mr. Pagliarini explained that if you have twelve trucks idling in an hour that nobody knows if they are all idling at the same time causing greater noise, or if it is every five minutes one turns off and another turns on. Mr. Coate noted that this did happen, and that he observed that there were different groups of trucks idling over certain time periods and that the ones that were previously idling were all turned off. He noted it was kind of a moving target.

Mr. Berry asked Mr. Fouche how they get the truckers to obey the no-idling stipulation. Mr. Fouche responded that they have signage in the lot that cites the law and says no-idling over 5 minutes per hour. He noted that TA can't write tickets and that he spoke with the Police Chief, but that he doesn't know if he is willing to have a guy out there writing tickets. He explained that the main thing they do is put signs up inside and on the outside. He noted that the companies don't like the trucks idling because they spend money on fuel. He explained that Connecticut has no-idling and that the local police come though about once a month and write a whole batch of tickets and the problem goes away, and then about a month later they come back. He noted that the trade-off is that the town gets the revenue from the tickets and it sends a message to the drivers.

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Mr. Pagliarini noted that he has an e-mail from the Police Chief of the last noise complaint from March of last year, besides the one last week for the stuck truck, and he noted that what TA has been doing has apparently been satisfying the neighbors.

Mr. Berry asked if there was a portion of the parking lot that was a no-idling zone. This was confirmed that it was a condition from the Zoning Board that there be no-idling on lot 2-3. Mr. Pagliarini noted that the trees that were planted are getting taller every day. Mr. Fouche noted they are calling this area 'phase 2' because they decided to abandon it and noted that they may use it in the future for uses like RV storage or something like that. He explained that they felt like responding to the Board was difficult so they would take it out of the equation. There was discussion about that area and the boulders. Mr. Pagliarini noted that if there was an emergency like a blizzard they could move the rocks and get the trucks off the road. Mr. Fouche noted it is a good area to store snow out of the way.

Mr. Berry asked if the Board had any questions for the audio expert.

Mr. O'Loughlin asked to clarify that they are not recommending any barrier like they had talked about before. Mr. Coate noted that he analyzed a sound wall but that it doesn't work well. Mr. O'Loughlin noted that the report indicates it would only be a drop of 3 dB because it is in the middle, and noted that he understands that the barrier wouldn't be close to the houses or close to the noise. Mr. Coate confirmed this and noted that 3 dB is barely perceptible, and that it is not worth the effort to build something that only reduces noise by 3 dB. He noted that agencies that have jurisdiction over federal highways have a cut-off at 5 dB.

Mr. Berry asked for a reference of what the impact would be on Catherine Wright Court given the number of trucks and the potential for the number of trucks idling. He asked if it would be like living near an airport, or more like crickets. Mr. Coate pointed out the nearest homes on the plan and noted that in that area with around 61 trucks idling would be around 46 to 47 dBA. He noted that anywhere further than that it would drop down to 40 to 38 and 27 dBA et cetera. Mr. Berry asked how loud that is in general terms. Mr. Coates noted it is difficult to compare with examples because the thing that is of most concern is the ambient noise and then how high is the intrusive sound above that. There was discussion. He noted that the ambient is in the 40's already. He noted that when the ambient dies down a lot, then you can maybe start to detect the idling trucks peaking up above the ambient, but as soon as the ambient comes up in the morning then you can't hear it. He explained that these sorts of issues become a nuisance when you can hear idling trucks in your bedroom at night when it is super quiet outside. He noted that the data shows that when the maximum number of trucks are idling, there was one of the lowest noise levels at one of the property lines. He noted that the point is that just because the capacity of the idling trucks is the highest doesn't necessarily mean that it is directly correlated to the noise level. He noted that there are other noise sources in the area. Mr. Coates discussed that it is good news in the sense that the ambient noise in the area tends to mask the sound of the trucks, and asked if this makes sense. Mr. Berry indicated yes.

Mr. Berry asked the residents where they live and they pointed it out on the plan. Mr. Berry asked the residents what their experience has been. Mr. Madden noted it has definitely improved. He noted that the truck stop seems to be educating the truckers and they seem to be getting it. Mr. Regan thanked the residents for coming tonight, and noted that there were 50

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residents here last year. Ms. Daneau noted she is at the bottom of Breakheart Hill Road and noted that she can't speak for the houses at the top. She noted that Catherine Wright Road slopes down where the cul-de-sac is. She noted that for her, it has gotten better.

There was discussion on the berm and the sound wall and the number of trucks idling at the same time. It was noted that the idea is to cut down on the number of trucks idling. Mr. Regan noted he liked the idea of monthly ticketing. There was discussion on ticketing.

Mr. Pagliarini noted he has some technical changes to the Master Plan decision letter dated December 18, 2014. It was noted this referred to a letter from Mr. Pagliarini dated May 23, 2016.

Mr. David Coates left the meeting.

Mr. Pagliarini went over the conditions of the Master Plan approval. There was discussion on condition item 6 regarding electrification on page 2. Mr. Pagliarini noted that there had been previous testimony from Mr. Pete Ward and Walter Fouche with their position on electrification and noted that they don't support electrification. He noted that they feel it has been a failure in those truck stops where it has been added. He asked to strike the requirement that the Board has the right to revisit this at the Preliminary Plan. There was discussion. Mr. Fouche noted that they had tried different manufacturers, but that the truckers just rip them apart. He noted that it is just not the wave of the future and that the truck manufacturers have taken this on themselves with generators. The Board agreed to remove the last sentence from item 6.

Mr. Pagliarini discussed number 10 about the back lot not being used for truck parking until after it is approved by the Planning Board. He noted that this is blocked off with rocks right now, so he doesn't see the need for this. He questioned if it could be used if there is a need for overflow parking as long as they don't idle. Mr. Berry asked if they plan on coming back before the Board to open up that area in the future. The Board noted it needs to have approval. It was agreed to keep the language of item 10.

Mr. Pagliarini discussed number 11 referring to prohibiting use of an auto rest stop. Mr. Pagliarini stated that they have no desire to make it an auto rest stop. He clarified that this struck a nerve with the boss at TA who questioned why this is a requirement. Mr. Fouche noted that if they see a truck or a car there over two days, they will call a tow truck. He noted this is not their intention. There was discussion. The Board decided to strike this.

Mr. Pagliarini asked for item 15 to be stricken in its entirety regarding moving the diesel pumps. There was discussion. Mr. Pagliarini noted the concern is the cost involved in moving the pumps, the islands, the canopy, the pipes underground, and the fuel tanks. Mr. Fouche stated that he believes that once the pole is gone, and that they seem to have gotten over the backlog. Ms. Paquet stated that the Town Administrator was very concerned about this, and to keep this provision in the decision. Mr. Fouche noted it is a huge investment and that they have to get more than five years out of it. There was discussion. Mr. Berry asked Mr. Fouche what the lifespan is for a diesel pump. Mr. Fouche responded that it is 8 to 10 years. There was discussion on the pumps getting knocked out by accidents and at what point to prevent the piecemeal replacement as the original condition refers to. Solicitor Ursillo suggested removing the

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reference to 5 years in the first sentence, and eliminating the last sentence. Mr. O'Loughlin questioned removing any reference to the emergency repairs. Mr. Pagliarini stated that it says the same thing without it, because if it is time to replace whether it is an emergency or a replacement, it is a replacement. It was decided to strike the reference to 5 years in the first sentence, and to strike the whole last sentence.

Mr. Pagliarini asked to have finding of fact number 8 on page 4, to add, 'if any are required.' Ms. Paquet noted that this is a finding of fact, and not a condition of approval. There was discussion. It was noted the change is not needed.

Mr. Pagliarini asked to strike finding of fact number 9. The Board discussed this. Ms. Paquet clarified that the anti-idling law is for emissions, not noise. Solicitor Ursillo explained to the Board that the findings of fact support the conditions in the approval. Mr. O'Loughlin recognized that the condition to require the anti-idling signs and everything else is based on the State law for anti-idling. The Board decided to keep this finding of fact in the decision. The Board noted to keep both findings of fact 8 and 9 in the decision the way they were.

There was discussion on continuing the public hearing to next month.

Motion to amend the Master Plan conditions of approval as follows:

Item 6 to strike the last sentence

Item 11 to strike in entirety

Item 15 to take out reference to 5 years and to remove the last sentence.

O'Loughlin-Regan (4-0)

Mr. Berry noted that there are also requests for waivers and the Preliminary Plan revised design. Mr. Berry asked what the specific waivers are. Ms. Paquet noted that it sounds like they can't meet the requirements of the landscaping plan. She noted that a landscaping plan has been submitted, but that it doesn't meet the parking lot landscaping requirements and the frontage landscaping requirements. Mr. Berry asked to have a definitive list of the waivers for the next meeting.

Motion to continue the public hearing to next month on July 18 at 7 p.m..

Regan-Wallace (4-0)

PLANNING PROJECTS AND ADVISORY OPINIONS

Comprehensive Plan Update

- Discussion

There was no discussion.

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Advisory Opinion to Town Council RE: Exit 7 Special Management District

Proposed Amendment to Zoning Ordinance, Article 2, Zoning District Use Regulations

To remove Section 9, "Exit 7 Special Management District"

-Associated Proposed Amendments to Comprehensive Plan and Zoning Map

-review of draft ordinance and discussion

-vote on advisory opinion to Town Council

Tabled to next month.

Advisory Opinion to Town Council RE: Farm Accessory Uses

Proposed Amendment to Zoning Ordinance, Article 2, Zoning District Use Regulations

to provide for Section 12, "Farm Accessory Uses"

- review of draft ordinance and discussion

-vote on advisory opinion to Town Council

Solicitor Ursillo explained that this ordinance addresses that right now there are things occurring on farmland that are not in the ordinance, so theoretically they shouldn't be happening. He noted that his office has put together an ordinance for accessory uses, similar to what has happened in South Kingstown and other towns, so that the applicant can go to the Zoning Board and apply for a Special Use Permit. He noted that right now, it is a very gray area and there is no oversight or conditions. He noted that the Town Council needs an advisory opinion.

There was discussion. Ms. Paquet expressed her concern with allowing weddings and recommend that this be stricken from the ordinance. She noted that the ordinance has only one criteria for this, which is to meet the parking requirement, but that there is no parking requirement given in the Zoning Ordinance for this type of outdoor use. She noted that this type of use is different than other uses that are considered for every residential neighborhood, such as with loud music at night, alcohol, and other effects. Mr. Regan questioned if the use would be subject to the Planning Board's review. It was noted that the way it is stated it is just the Zoning Board review, based only on if it meets the parking requirement. It was noted that there is a difference between someone having a personal wedding on their own property, versus weddings Friday, Saturday, and Sunday every weekend as a commercial use in a residential area. The Board decided to recommend removing this from the ordinance.

Mr. Berry asked if there is any stipulation on how big a farm has to be. It was noted that there is not and that all the residential zones are zoned farming. It was noted that there is a definition for 'farm enterprise' in the proposed ordinance. Solicitor Ursillo noted it needs to be a bonafide agricultural use.

Motion to recommend to the Town Council to amend the Zoning Ordinance to adopt the Farm Accessory Uses addendum and to strike the reference to weddings. Regan-O'Loughlin (4-0)

ADJOURNMENT

Motion to adjourn. Wallace-O'Loughlin (4-0). The meeting ended at 8:59 p.m.

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July 18, 2016

PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, July 18, 2016. Present were: Chairman Brad Ward, David Berry, Tim Regan, Tom O'Loughlin and Alternate Brian Wallace. Alternate Bill Bryan was absent.

Town Solicitor Michael Ursillo and Town Planner Jennifer Paquet were present.

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

It was determined that there was a quorum.

Acceptance of Minutes (Consent Agenda)

June 20, 2016 Regular Meeting

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

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 (continued from May meeting)

Mr. Timothy J. Behan, PE with Commonwealth Engineering approached the Board along with Mr. Ray Roch.

Mr. Behan noted that his firm performed a site inspection on July 14th and he handed out a status letter to the Board members. He noted that the punchlist items generated by Mr. Cotta, the Town’s consulting engineer, have been addressed except for the 1,000 gallon fueling station. He noted that all the other items have been addressed, and noted that there is a small area that is still unstabilized, but that these areas have been getting smaller, and that the majority of the site has been seeded and the grass has taken very well, including on the steep slope, the septic system, and around the public well.

Regarding the 1,000 fueling station, Mr. Behan noted that he contacted RIDEM to find out what permits, if any, are needed and noted that basically, they look for sign-off from the Fire Marshal and a roof over the area where the hose can reach. He noted that if there is a roof, Mr. Roch can get a ‘no exposure exemption’ from the permit requirement.

Chairman Ward noted that he went out to the site today and agrees with what Mr. Behan has said. He questioned the need for this agenda item to continue at the Board level and noted it could be handled administratively. He noted that Mr. Roch either needs to get the roof up, or he has to remove the tank from the site. He noted that the small bare areas are minimal and has confidence they will properly address it during seeding time. He asked the Board if they had any comments. Mr. Berry asked about putting a time-frame on this. There was discussion on the canopy to go out beyond the length of the hose. Mr. Roch noted he needs to consider this. Mr. Behan noted it is a self-certification process.

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Mr. Ward noted that he thinks Mr. Roch has met all the requirements and it is just a matter of the seeding of the minor issue in the basin.

Mr. Behan noted that the as-built drawing has been updated and submitted copies for the record.

There was discussion on the self-certification program. Mr. Roch noted that the Fire Marshal has come out and that he ok'd a few sites for him.

There was discussion on a timeframe.

Motion to within 6 months have the fueling station addressed and during the growing season to take care of the small areas without groundcover, and to remove the silt fabric from the catch basin immediately. Berry-O'Loughlin (5-0)

Major Commercial Land Development Project: Public Hearing, cont.:

- **Request for Amendment to Master Plan Decision Letter**
- **Request for Waivers**
- **Preliminary Plan Review**

"Truck Stop Improvements"- AP 48, Lot 2-3; AP 49, Lots 2 & 3; and AP 13, Lot 18

-Victory Highway; Zoning: Highway Business

Applicant/Owner: TA Operating, LLC (c/o Thomas M. O'Brien, President/CEO)

-Revised Plan submitted since June meeting

Attorney John A. Pagliarini, Jr. approached the Board. Chairman Ward noted that he was not present last month when the public hearing began, but that he has read the minutes and asked Mr. Pagliarini if he wanted him to step down. Mr. Pagliarini noted Mr. Ward has been impartial and allowed him to sit.

Also present for this agenda item were Mr. Walter Fouche of Travel Centers of America and Mr. Timothy J. Behan, PE with Commonwealth Engineering for the applicant. For the Town, the consulting engineer present was Mr. Michael Zavalia, PE with BETA Group.

Mr. Pagliarini noted that they are here tonight to wrap up the amended Master Plan and the Preliminary Plan approval. He noted that last month the expert was here for the noise study. He noted that since then, the town's consulting engineer and the design engineer have been in communication, and asked Mr. Behan to discuss the engineering comments.

Mr. Behan discussed the revised plan. There were two residents in the audience who were invited up to the front to view the plans during the presentation.

Mr. Pagliarini played a voice recording from Verizon regarding the relocation of the pole.

Mr. Behan discussed an access strip off Breakheart Hill Road for trucks to pull off. Mr. Regan questioned if this area is large enough to accommodate a double truck. Mr. Ward asked how long it would take for the TA employees to respond to a truck at this gate. Mr. Fouche noted it

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could be 15 to 20 minutes. Mr. O'Loughlin asked how this pull off area will be signed. Mr. Fouche noted they will have to put up a sign with a phone number. There was discussion on possible markings on the pavement to direct trucks to the pull off if they accidentally go down Breakheart Hill Road. Mr. Regan asked what the surface material is for the pull off. Mr. Behan noted it is pervious with a grass that is tolerant to the compaction. Mr. Regan asked what kind of gate it would be and then offered a spec that he has experience with for a solid gate with a secure lock. It was noted that the Fire Department will need access. Mr. Ward noted he would rather see signs than markings on the pavement, which could be blocked by snow. Mr. Fouche noted that it is a minor problem of trucks going down Breakheart Hill Road. Mr. Behan recapped that there will be a spec on the gate, a sign on the gate with a phone number, a sign on the road, and he will revisit the length of the pull off for the length of the trucks.

Mr. Behan noted other changes to the plan, including the addition of a redundant public well. Mr. Behan pointed out the location of the primary well and noted it will remain as the primary well, and then noted the location for a second well on the property line of the residential zoned Lot 2-5. He noted that the lot is owned by TA and that the 200 foot setback in on their own property.

Mr. Behan noted that the Town's consulting engineer, BETA Group, has issued comments.

Mr. Michael Zavalia, PE with BETA Group for the Town submitted written comments dated July 18, 2016 to the Board members.

Mr. Behan began to address the comments from the letter.

Mr. Zavalia noted that the standard grass mix is not suitable for the pull off travel way and noted a drought tolerant mix for this. Mr. Behan agreed to the drought tolerant mix.

It was noted that there was a lighting plan and a signage plan submitted. Mr. Regan noted that there are a lot of signs out there and questioned that there are too many. Mr. Fouche noted those are operational and promotional signs. Chairman Ward noted that the site needs to come into full compliance with the sign ordinance. Mr. Ward noted there needs to be a 'no through trucks' sign at the Breakheart Hill Road entrance.

Mr. Behan noted he will add item 13. There was discussion on item 14, and Mr. Zavalia noted that there needs to be verification of sight distance at all of the locations. Mr. Behan had no problem with this.

There was discussion on item 15 regarding relocating the diesel pumps back when it is time to replace them. Solicitor Ursillo noted that the condition is in there that they have to move them back when they replace them. There was lengthy discussion on this issue and the timing of when this would happen and how to enforce it in the future. Mr. Fouche expressed concern of cost. Mr. Zavalia noted that there were lengthy discussions about the location of the pumps during the Master Plan and that there was a study done with certain recommendations. He expressed concern of safety and a potential deficiency with trucks pulling into the site if there is growth there that could exacerbate the condition if the pumps remain in that location in the future. He suggested it be tied to and planned with capital improvements on the site and also tied to the

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Police Chief seeing the need. There was discussion on cost and a timeframe and a trigger to revisit this with the Board. Mr. Zavalia suggested rather than a timeframe, that the requirement to relocate the pumps be performance based, such as at such time that the Town observes that there becomes excessive queuing on Route 102 there could be a study to document the issues and compel the owner to take action. Solicitor Ursillo noted that if the police department verifies that there is a public safety issue with regard to queuing, then the issue of revisiting the relocation of the pumps can be triggered. Mr. Fouche noted he thinks he can agree to that. There was further discussion. Chairman Ward recapped that there is agreement that if verified by the West Greenwich Police Department the truck relocation will be revisited before the Board and that they will look into it at that point in time, and if not, when the pumps need to be replaced, they will be relocated on site to adequately address the queuing issues. Mr. Zavalia suggested that the initial observation be followed with a condition to have a formal study. There was discussion. Mr. Ward suggested to have a study requested upon the Police Department notifying the Planning Board.

For item 17, it was agreed that the Physical Alteration Permit needs to be in hand to the Town.

Regarding the Plan Set, Mr. Behan will address. There was discussion on protection of the earthen berm in front of the drainage, which is critical for the stormwater. It was noted that if this berm is compromised, the water will bypass the pretreatment. It was discussed that either the berm needs to be beefed up higher or larger so that it will be less likely that a truck could mount it or hardscape it. It was noted that whatever the engineers come to agreement on will be ok with the Board, such as rocks or bollards or some other physical barrier to prevent the berm from being compromised. It was noted that even though this is to facilitate the drainage, that this is not something that RIDEM would even look at, but that it is important.

Regarding page 7 of 13, it was noted that a detail is needed. It was noted that there are no significant items that need to be discussed at the Board and that these design issues can all be taken care of by being worked out between the two engineers.

Chairman Ward asked the Board if they had any further questions. There were none.

Mr. Pagliarini noted that he believes that the existing berm that was required by the Zoning Board is sufficient, and recalled the testimony from the noise engineer. It was noted that the Zoning Board referred the noise matter to the Planning Board for this review.

There was discussion on the waiver for the landscaping requirements. Mr. Behan stated that it meets the intent of the landscape plan.

Chairman Ward opened the hearing to comments from the public.

Mr. Michael McCormick, PLS, expressed concern that this plan set does not include proper survey certifications or a boundary survey to meet the checklist requirements. It was acknowledged that this was in the first submission, but did not make it into the revised plan set. It was noted to include this in the requirements.

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

The Board discussed having a draft motion in writing to identify all the changes that have been made during the hearing.

There was discussion on the previous Master Plan decision.

Motion to amend the Master Plan decision letter regarding the future relocation of the pumps to be based on the time of permitting for total replacement of the pumps or at a time the police department indicates there is a health and safety matter due to the queuing upon entering the premises. O'Loughlin – Berry (5-0).

It was noted that the revised plan will be addressed in 7 days and will be ready for the Board to vote on.

NEW BUSINESS

Major Residential Subdivision: Pre-Application Plan

“Leavitt Major Subdivision” – AP 34, Lot 3-3

-Plain Road; Zoning: RFR-2

Applicant/Owner: Thomas E. Leavitt

Mr. Leavitt and Mr. Timothy Behan, PE with Commonwealth Engineers approached the Board. Mr. Behan explained the proposal. Chairman Ward questioned whether this was a Major or a Minor subdivision and noted that some previous lots may have been cut out solely for open space protection. There was discussion.

Motion to combine the Master and Preliminary Plan stages of review. O'Loughlin-Berry (5-0)

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Major Residential Subdivision: Combined Master and Preliminary Plan

“Branca Plat” – AP 60, Lot 5-2

-on Hopkins Hill Road; Zoning: RFR-2

-Minor Subdivision with Request for Waiver

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

-Vote to combine Master and Preliminary and set Public Hearing Date

Mr. Michael McCormick, PLS with Alpha Associates approached the Board.

Mr. McCormick noted the location of the proposed project and gave a history of the different regulations that the project met in the past or didn't meet in the past and how those regulations have changed since then. He noted that the applicant is looking for a waiver on the minimum amount of land suitable for development and noted that both lots meet the minimum 1.4 acres of contiguous suitable land requirement. He noted that the site has a verified wetland edge and a septic design. There was discussion on some recent changes to State law that have not yet been enacted.

Ms. Paquet noted that the last time this proposal was before the Board was as a pre-application three years ago, and that she provided the minutes from the meeting in the packets.

Motion to combine the Master and Preliminary stages of review and to set a public hearing date for August 15th meeting. O'Loughlin – Berry (5-0)

PLANNING PROJECTS AND ADVISORY OPINIONS

Comprehensive Plan Update

- Discussion

There was no discussion.

Amendment to Zoning Ordinance and Comprehensive Plan

- Advisory Opinion to Town Council

Proposed amendment to Remove Exit 7 Special Management District provision

-Set Public Hearing date for proposed amendment to Comprehensive Plan

Town Solicitor Ursillo explained that the Town Council is very concerned with the residential aspects of the Exit 7 SMD and that they would prefer to see it all commercial. It was noted that this change would need a public hearing for an amendment to the Comprehensive Plan.

Motion to set a public hearing date for the August meeting. O'Loughlin- Berry (5-0)

ADJOURNMENT

Motion to adjourn. Berry - O'Loughlin (5-0). The meeting ended at 8:40 p.m.

WEST GREENWICH
August 15, 2016
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on Monday, August 15, 2016. Present were: Chairman Brad Ward, David Berry, Tim Regan, Tom O'Loughlin 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 7:03 p.m.

It was determined that there was a quorum.

Acceptance of Minutes (Consent Agenda)

July 18, 2016 Regular Meeting

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

Major Commercial Land Development Project:

- **Request for Amendment to Master Plan Decision Letter**
- **Request for Waivers, cont.**
- **Preliminary Plan Review, cont.**

“Truck Stop Improvements”- AP 48, Lot 2-3; AP 49, Lots 2 & 3; and AP 13, Lot 18

-Victory Highway; Zoning: Highway Business

Applicant/Owner: TA Operating, LLC (c/o Thomas M. O'Brien, President/CEO)

- Public hearing closed on July 18, 2016

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

Assistant Town Solicitor Goins advised the Board that even though the Public Hearing has been closed, that the Board may speak with the applicant's attorney and with staff and amongst themselves. She noted that the Board just can't accept new information into the record or hear new testimony.

Chairman Ward asked Mr. Pagliarini if he has read the proposed decision. Mr. Pagliarini noted that he had. He noted that he has tried to contact the Town Solicitor a couple times about the requirement for an anti-idling plan. He requested that since there haven't been any noise complaints in the last 18 months to hold that in abeyance until such time there is an issue. He noted that it seems like everything that has been done to mitigate the noise has seemed to work, particularly the stones blocking off the back area. He noted that he knows that the motion required an actual plan, but that they don't have a plan, and questioned if there is a need for a plan right now. He asked to leave this an open item and noted that they will do it, if needed. Mr. Ward noted that the anti-idling plan also affected the refrigeration trucks, and noted there was supposed to be a designated area. Mr. Pagliarini noted that they have no objection to having the engineer amend the plan to dedicate an area out front for refrigeration trucks, as close to Route 102 as possible. Mr. Ward clarified that this would not be in the auto parking lot out front for the restaurant. Mr. Pagliarini clarified that it is not that area, but as close to Route 102 as they can get it within the truck parking area and will have Mr. Behan show this on the plan. Mr. Ward asked if they had any objection to this. Mr. Pagliarini stated no.

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Chairman Ward asked if anyone on the Board had any comments.

Mr. Berry asked about the request to amend the Master Plan approval. Ms. Paquet noted that the Board made the motion to amend the Master Plan decision at their June meeting. Mr. Berry asked about the waivers. Ms. Paquet noted this was if the Board determined if they had enough information on the landscaping plan. Mr. Pagliarini noted that it had to do with the literal requirements to have so many landscaped islands, and pointed out that they have off-set that with the fact that they have planted so many tall trees.

Mr. Ward noted for the record that since the Town's consulting engineer was not required to be here, that he did not require that the applicant's engineer be present, and noted that the meeting is not an open public hearing.

Chairman Ward asked if anyone has any questions or concerns with the written motion. Mr. Berry asked about the final date on the preliminary plan. Ms. Paquet noted that she received the revised plan today and noted that the date is March 21, 2016, with the latest revision date of August 10, 2016, which has been updated on all thirteen pages of the plan set. She presented the Board with a reduced size copy of this plan set.

Mr. Ward asked if there were any other concerns or comments. No one spoke. Mr. Ward noted that at this time he would entertain a motion.

Motion to approve the Preliminary Plan entitled, "Truck Stop Improvements" dated March 21, 2016, revised through August 10, 2016, prepared by Commonwealth Engineers, prepared for TA Operating, LLC, with the conditions of approval items 1 through 13 d., including item 10 that refrigerated truck parking shall be addressed by TA as indicated, and based on the findings of fact items 1 through 11, as noted in the draft motion, and conditioned upon the waivers in the second motion.

Motion made by O'Loughlin. Motion was seconded by Berry. All in favor (5-0)

Ms. Goins noted that the motion does not include motions on the waivers and advised the Board to have a separate motion on the waivers. There was discussion on the waivers needed. There was discussion on streetscape landscaping. Mr. Berry asked why the streetscape landscaping isn't going to get done along Route 102. Mr. Ward questioned the need for it, being an existing non-conforming use. Ms. Paquet clarified that it is a brand new parking lot there. Mr. Ward noted it was done to move Breakheart Hill Road. There was discussion on the parking spaces. Mr. Pagliarini asked Mr. Fouche if they plan on doing some landscaping up front. Mr. Fouche noted they have planned to do some sort of shrub out on Route 102 to more or less delineate the property line. He noted he doesn't want to leave it just wide open and noted that his contractor has got this in his (inaudible). Ms. Goins suggested that whatever the shortfall is, that the Board grant the waiver and have a finding of fact that it is appropriate under the circumstances. Mr. Berry asked why this wasn't included as part of the plan. Mr. Pagliarini noted he thought the waivers were for in the back of the site, not the front. He noted that at this point, they have already made their Physical Alteration Permit submission and if the PAP requires a landscaping plan he suggested that the Board waive it, and they will come up with some landscaping. Ms. Paquet explained that half of the frontage is State right-of-way because the right-of-way is excessively wide in that area. Mr. Pagliarini suggested that rather than delay the State approval

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process, if the Board waives the landscaping plan, that Mr. Fouche will come back with something and they will landscape it.

Mr. Ward noted that the way he sees it is that even though a new parking lot has gone in, they have done a public good by moving the Breakheart Hill Road and that what landscaping they had on the front, anything that they do is an improvement and that he would be inclined to grant the waiver and allow TA to landscape as they deem appropriate for their operation. He asked if the Board had any comments on this. Mr. Berry noted that he thinks this is a good way to handle it, and asked if all of a sudden it was all overgrown what recourse would the Town have to have them clean it up. Ms. Goins noted that the Board can add a condition to the waiver that whatever landscaping they do choose to install that it has to be maintained appropriately. Mr. Ward asked Mr. Pagliarini if there was any objection. Mr. Pagliarini state no and asked to have the plan presented administratively so that there is a plan on record. The Board agreed with this. Mr. Ward entertained a motion.

Motion to grant a waiver from the Town's landscaping literal requirements with a condition that a landscaping plan be submitted to the Town Planner and the Chairman for approval and that it is the applicant's responsibility to maintain the landscaping. Motion made by O'Loughlin, second by Berry. (5-0)

Mr. Pagliarini asked about the requirement to have an anti-idling plan. Ms. Paquet noted that this was one of the conditions of the Master Plan approval that was to be submitted as part of the Preliminary Plan application. Ms. Goins asked if a waiver has been requested on this. Ms. Paquet clarified that the Preliminary Plan application included a request to talk about this requirement at the Preliminary Plan meeting. Mr. Pagliarini noted he has tried to have a discussion on this with the Town Solicitor, and noted that he has spoken with the Police Chief and that there hasn't been a noise complaint in a year and a half. Ms. Paquet noted that the anti-idling is for emissions, which is different than noise. Mr. Pagliarini noted it is kind of for both. Mr. O'Loughlin noted he thought the Zoning Board put the restriction on. Ms. Paquet explained that there was also another spot in the back, that if it was going to be approved for truck parking on Lot 2-3, that the whole lot had to be no-idling, which is above and beyond the State law. Mr. O'Loughlin asked if this is outside the Planning Board's purview because it was from the Zoning Board. Ms. Paquet stated it had to be part of the Planning Board's review, but now the applicant is saying they are not going to do it, so it is not part of this approval and noted that there would be no parking behind the rocks, unless they came back for approval on that. Mr. Pagliarini noted the no-idling requirement would need to be addressed. He added that TA doesn't have the intent of parking trucks behind there, but that TA wants to leave the door open to put another legal use there someday, such as a structure. It was noted that it would need to go through the review process when the time comes.

There was discussion on a waiver for the anti-idling plan. Mr. O'Loughlin asked Mr. Pagliarini if he is referring to the condition of this approval item 9 regarding that the property owner shall continue to maintain and promote the anti-idling signage and awareness within the property. Mr. Pagliarini stated it is not and that they will do that. Ms. Goins clarified that this was a condition of the Master Plan approval that required that the applicant submit an anti-idling plan with the Preliminary Plan. She noted that the Board has just granted Preliminary approval, with no such plan having been submitted. She advised that the Board has effectively kind of waived or

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modified that condition, but that the Town has the right to enforce whatever regulations are applicable. Mr. Pagliarini asked that it lay dormant, and that if they start getting into noise problems again, they will do it. Mr. Ward asked if they have no objection to adhering to with what Ms. Goins said to hold it in abeyance and that if it comes to a problem in the future, then they need to address it. Mr. Pagliarini agreed. Ms. Paquet clarified that we heard during the hearing that there are signs that have been put up for anti-idling, but that the Town has not received a plan to know the location of those signs, or what any other promotion is being done to increase awareness about it. It was noted that the signs must remain. It was clarified that these signs have not been shown on the plan. Ms. Goins noted that an as-built plan of the signs could be submitted. There was discussion on whether this is a waiver or not. It was decided to have the applicant submit a plan so the Town knows where the signs are.

Mr. Berry asked about the moving of the pole. Mr. Pagliarini noted it involves rewiring miles of lines, and that it is complicated, but that it is in National Grid's hands and that they are working on it.

Request for Building Permit

Major Residential Subdivision

"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)

-Preliminary Plan approved on July 20, 2015, under construction

Mr. Joe Catelli approached the Board. Mr. Catelli noted he thought he was allowed one permit but found out that he had to go back to the Planning Board for permission. He noted he is not looking for a CO. There was discussion on a foundation permit. Mr. Catelli noted that the road is about eighty percent done. Chairman Ward expressed concern with issuing a building permit. There was discussion. There was discussion on a model home. There was discussion on the timing of final approval and the paving.

Motion to allow a building permit for one model home after the pavement has been installed and that a foundation permit may be allowed before then. O'Loughlin- Regan (5-0)

The Board took a five minute recess.

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Major Residential Subdivision: Combined Master and Preliminary Plan, Public Hearing

“Branca Plat” – AP 60, Lot 5-2

-on Hopkins Hill Road; Zoning: RFR-2

-Minor Subdivision with Request for Waiver

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

Mr. Michael McCormick, PLS from Alpha Associates approached the Board. Mr. Branca was present in the audience.

Mr. McCormick described the site and the history of the water table testings and the suitable land requirements. Mr. McCormick explained that the applicant bought the land in early 2000's and did some water tables which were at eighteen inches. He noted that at that time, they knew that RIDEM was going to allow septic designs without waivers or variances and that they had to wait it out, but in the interim the Town regulations changed to require two acres of upland area on the lot and noted they were caught in a catch 22.

Mr. McCormick discussed the verified wetland edge and the proposal for another residence with a bottomless sand filter system. He noted that both lots meet the Town's two acre zoning and the seventy percent contiguous uplands area. He noted that the only thing that both lots would be missing is the two acres of suitable area throughout the site. He noted that the waiver would be for just the extra thirty percent of the upland area to be waived.

There was discussion on recent changes to the State laws.

Mr. Regan asked if the wetland flags were moved per the edge verification letter. Mr. McCormick noted that they have.

The Board had no further comments. No one from the public wanted to comment.
Motion to close the public hearing. O'Loughlin-Wallace (5-0)

Mr. McCormick described the rain garden drainage shown on the plan. It was noted that the stonewall will remain, but that it is not the property line.

Motion to grant a waiver as requested and to approve the subdivision with the conditions to require the following:

1. Open Space and Recreation Fee (in lieu of land dedication)
2. Reimbursement for the hearing advertisement and notice.
3. Applicant's design professional to sign off on constructed drainage required prior to Certificate of Occupancy.

Berry-O'Loughlin (5-0)

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PLANNING PROJECTS AND ADVISORY OPINIONS

Comprehensive Plan Update

- Discussion

There was no discussion.

Amendment to Zoning Ordinance and Comprehensive Plan

- Advisory Opinion to Town Council

-Public Hearing for Amendment to Comprehensive Plan

Proposed amendment to Remove Exit 7 Special Management District provision

There was no one present in the audience for this public hearing.

Ms. Paquet noted that this has been advertised as a public hearing. She noted that she wanted the Board to have the information on this. Ms. Goins noted that there was desire from the Town to remove the possibility for residential development for the Centre of New England. She noted there was a concern that residential development may not be appropriate and under the current zoning ordinance it is allowed. She noted this would simply revert the Exit 7 SMD to Highway Business, which is what it was before. She noted that the memo explains that they are no longer vested in the original approval and any new development would have to comply with the new regulations or receive relief as appropriate. She noted that ultimately it is the Town Council's decision to amend both the Comprehensive Plan and the Zoning Ordinance, and that there will be a further public hearing before the Town Council.

Chairman Ward noted he would prefer to see a greater degree of commercial than residential there. He noted that the residential development that went in there, we were told would not have many kids in there, but that it increased the number of children substantially beyond what they were advised would occur. He noted that with each school child in the regional school district we have to pay more. He noted that if there was more housing in there, it could increase the school district cost that the Town has to incur.

Mr. O'Loughlin noted that the Town changed the zoning across the street from Highway Business to residential, and noted he doesn't see an issue with it. Ms. Paquet noted that Mr. Cambio was the original proposal that put forth the Cedar Ridge development and that a portion of what he would have put in the Centre of New England was developed at Cedar Ridge.

Motion to send a favorable advisory opinion to the Town Council to change the Comprehensive Plan and the Zoning Ordinance for Exit 7 from a Special Management District to revert it back to a Highway Business district. O'Loughlin-Regan (5-0)

ADJOURNMENT

Motion to adjourn. O'Loughlin - Berry (5-0). The meeting ended at 7:58 p.m.