

**TOWN OF WEST GREENWICH
ZONING BOARD OF REVIEW
280 VICTORY HIGHWAY
WEST GREENWICH, RI 02817
JULY 15, 2014
7:30 P.M.**

A regular meeting of the West Greenwich Zoning Board of Review was held on July 15, 2014. Present were Chairman Ken Jones, Dr. Clyde Fish, Edward Stone, Gregory Breene and Gilbert Rathbun. Also present was alternate Raymond Stewart and Town Solicitor Michael Ursillo.

A. CALL TO ORDER – 7:30 P.M.

Chairman Jones called the meeting to order at 7:30 p.m.

Petition of TA Operating LLC: 849 Victory Highway. Plat 48 2-3 & 2-5 and Plat 49 Lot 2 & 3 in a Highway Business Zone. Applying for a Special Use Permit under Article VIII, Section 1, and Subsection 1. Increase of parking area for a legal non-conforming use.

Chairman Jones read the application of TA Operating LLC.

Attorney Pagliarini was present for the applicant and explained their request for a Special Permit under Article VIII, Section 1, and Subsection 1 to increase parking area.

Attorney Pagliarini presented Peter Alviti Jr., a Registered Professional Engineer, located at 91 Carriage Dr., Warwick, RI to speak. Attorney Pagliarini requested the Board qualify Mr. Alviti Jr. as an Expert Witness.

Chairman Jones motioned to approve qualification of Mr. Alviti Jr., Registered Professional Engineer, as an Expert Witness. Motion approved (5-0).

Vote: Ken Jones (aye), Clyde Fish (aye), Gregory Breene (aye), Ted Stone (aye), Gilbert Rathbun (aye.)

Mr. Alviti explained the improvements and environmental benefits being proposed. Discussion ensued regarding green space, noise abatement, a storm water treatment system and better traffic flow.

Attorney Pagliarini asked Mr. Alviti, would it be less intrusive for the neighborhood, if the parking was moved. Mr. Alviti replied yes, it would improve things.

Attorney Pagliarini asked if there were environmental improvements. Mr. Alviti replied yes, green space, ground water and a storm water system.

Attorney Pagliarini asked about the traffic improvements and their affect on public health, safety and welfare. Mr. Alviti answered that the creation of islands would segregate flow of traffic. Also, a parking area with controlled inlets/outlets would make it safer and easier to access gas pumps. Trucking area would have one way in and out.

Attorney Pagliarini asked if the best practices and techniques were being used with the design. Mr. Alviti said yes.

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Board Member Fish asked if the parking area would have fewer trucks. Mr. Alviti said there would be a reduction of 40 trucks in the new plan.

Karen Peltier of 37 Catherine Wright Ct. inquired about the lots that were rezoned in 2010 from RFR to zoning business and stated those parcels were not used for truck stop use. Karen Peltier also described how the expansion of the truck stop would affect property values, it would not positively influence the neighborhood and how it was not environmentally friendly. She stated she was opposed to expansion for those reasons.

Discussion followed about the rezoning of the lots in 2010.

Chairman Jones questioned how many trucks could park on the existing lot. Mr. Alviti replied 270.

Chairman Jones asked how many trucks would be able to park in proposed plan. Mr. Alviti answered 230.

Chairman Jones asked the applicant Walter Fouche of TA, how many trucks park there now. Walter Fouche of TA alleged 105 trucks park there nightly

Chairman Jones inquired how many trucks would park there after proposal. Walter Fouche stated an average of 110 trucks per day; we would not see an increase of trucks.

Chairman Jones asked about the noise abatement findings. Attorney Pagliarini answered sound wall versus cost benefit. However, Mr. Alviti clarified that cost was not a factor yet. Effectiveness was factor right now. Terrain was factor for noise. Something needed to be built high enough to break line of sight. Then cost may come into play.

Chairman Jones suggested that if trees were going to be part of noise abatement and since they were going to grow over a period of years, they should plant/ maintain natural effects of growth. Mr. Alviti said that was something to think about.

Board Member Fish inquired if there were going to be 100-105 trucks parking nightly then why make space for 230 trucks. Walter Fouche of TA answered that he was just going by his own counts at night of how many trucks were there.

Board member Fish replied then you don't expect amount of trucks to increase? Walter Fouche answered no.

Mr. Alviti stated that weather could affect how many trucks were parking there.

Attorney Pagliarini said that refrigeration units could have a designated parking area. Also, the 200 foot area around the site was all commercial abutters. Catherine Wright Ct. was beyond the 200 feet.

Joe Sipolski of 3 Catherine Wright Ct. asked how far the existing tree line from sound wall abatement was. Mr. Alviti answered that it was approximately 120-160 feet from tree line to abatement.

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Joe Sipolski stated he has lived there for 17 years and trucks were always parked against the back. He was concerned with what will be passed and what will happen in reality.

Discussion ensued on parking area and Planning Board involvement.

Joe Sipolski thanked the board for moving Breakheart Hill Rd because that would help out a lot.

Board Member Fish suggested those parking spots be a non idle area.

Walter Fouche said he would prefer to have the whole lot be non idle but it is an enforcement issue.

Attorney Pagliarini wanted clarification of what parking spots should be a non idle area. Chairman Jones responded Lot 2-3.

Attorney Pagliarini asked for time in the hall with his client. When he returned he wanted to make a correction to the original plan for it contained 130 truck parking spaces not 230. Right now there were 170 truck parking spaces and in proposed plan there will be 130 truck parking spaces.

Attorney Pagliarini stated they were in agreement with lot 2-3 being non idle, but not sure about enforcement.

Town Solicitor Ursillo advised that the Chief of Police was working on the enforcement issue.

Attorney Pagliarini explained to his client that he would not be losing spaces; they would just be non idle spaces with an additional 200-250 feet for noise abatement.

Chairman Jones asked if a portion of the site would be a preferred area.

Mr. Alviti stated he couldn't answer that right now. Two things affect noise level; number of sources and height of barrier.

Chairman Jones said we should leave the size of abatement up to the Planning Board.

Board Member Fish said that the odor of fuel was a complaint among residents. This would eliminate sound and odor.

Karen Peltier stated that trucks coming through the lot were an issue. No Idling Zone sounded good, but was difficult to enforce. The enforcement would be a problem.

Chairman Jones said that was not an issue for the zoning board.

Michael Madden of 54 Breakheart Hill Rd referenced section 1 number 3. Attorney Pagliarini said he was correct and would amend 2-5 to RFR2.

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Michael Madden stated that the lot was already non idling and it came down to enforcement. He wanted clarification on where the berm would be. He had a picture of the site in 2008 that showed it looks the same as it does now. Could it be a stipulation that parking doesn't exceed past tree line?

Chairman Jones stated the tree line is on the plan.

Jon Daneau of 34 Catherine Wright Ct. had environmental concerns. Since Popeye's had been built there is more traffic. What is impact of additional automobile traffic to environment? Mr. Alviti said we only know about water quality impact.

Jon Daneau said that the focus had been on trucks, but auto traffic will effect environment also.

Board Member Breene stated when the store was removed the traffic from the store went to the truck stop building.

Jon Daneau said that's been here but this is up and coming. He also thanked the board for staying to answer all our questions.

Chairman Jones asked if anyone else wished to speak.

Karen Peltier asked about the proposal for non idling zone and how it would be enforced by the town.

Town Solicitor Ursillo said by working with the Chief of Police and coming up with an ordinance.

Attorney Pagliarini questioned whether instituting a no idling zone will lessen noise and odor. Mr. Alviti answered yes.

Attorney Pagliarini proposed that Plat 48 Lot 2-3 be a non idling zone. Fewer trucks meant less noise and fewer fumes which would benefit the neighbors.

Chairman Jones asked if anyone else wished to speak.

Chairman Jones made motion to close public comment period.

Seconded by Board Member Breene. All in favor to close public comment period (5-0).

Vote: Jones (aye), Fish (aye), Breene (aye), Stone (aye), Rathbun (aye).

Board Member Fish said the board should grant with stipulations.

Town Solicitor Ursillo said to consider including: that TA is meeting standards because they are eliminating 1.8 acres of asphalt, decreasing number of trucks from 170-130, increasing green space, the entire site is further away from neighborhood, noise abatement control and improving ground water.

Board Member Fish made motion to include that they are making a buffer between the new Breakheart Hill Rd. and the site that was presented.

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Chairman Jones made motion to approve with the following:

- 1) A no idle zone in Plat 48, Lot 2-3, for truck parking spaces located entirely within said Lot 2-3.
- 2) Limit of 130 total truck parking spaces, as depicted within the plan submitted.
- 3) Noise abatement will be implemented as indicated within the plan presented and as amended by the planning board in the site plan review process.
- 4) Planting be added in open space area created by removal of 1.8 acres of pavement as directed by the planning board in the site plan review process.
- 5) Plantings to be added between this property and the proposed relocated Breakheart Hill Road as directed by the planning board in the site review process.

The Zoning Board **APPROVES** a Special Use Permit under Article VIII, Section 1, and Subsection 1. Increase of parking area for a legal non-conforming use 5-0 with stipulations.

Board Member Fish Seconded.

Vote: Jones (aye), Fish (aye), Breene (aye), Stone (aye), Rathbun (aye)

April 15, 2014~ **APPROVED**

Chairman Jones: made Motion to approve minutes from the previous meeting.

Seconded by Board Member Breene

Vote: Ken Jones (aye), Clyde Fish (aye), Gregory Breene (aye), Ted Stone (aye), Gilbert Rathbun (aye)

Chairman Jones: made Motion to adjourn.

Board Member Fish Seconded

Vote: Ken Jones (aye), Clyde Fish (aye), Gregory Breene (aye), Ted Stone (aye), Gilbert Rathbun (aye)

Meeting Adjourned: 9:10p.m.

Barbara Sweet, Clerk
West Greenwich Zoning Board of Review

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