

**WEST GREENWICH**  
**January 11, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on January 11, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tom O'Loughlin (7:05 p.m.), and Tim Regan (7:25 p.m.). Alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present (7:17 p.m.). Chairman Boyer called the meeting to order at 7:03 p.m.

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**Acceptance of Minutes (Consent Agenda)**  
December 14, 2009 Regular Meeting

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

**Request for Bond Reduction, cont.**

“Owl Ridge” AP 51, Orion View Drive  
--off Henry Brown Road

Developer: DOSCO, Inc. David Annese

- Status of guardrail/ slope in front of Lot 12

Motion to table. Ward-Berry (3-0)

**Conservation Development**

It was noted that the joint meeting will be February 8<sup>th</sup>.

Mr. O'Loughlin arrived at 7:05 p.m.

**Minor Development Plan Review: Preliminary Plan**

“Big River Vet Service- Expansion”- AP 12, Lot 48  
--Nooseneck Hill Road ; addition to existing building,  
Applicant/Owner: Daniel Jr. and Debra Cardoso

Mrs. Patricia Walker, PE and Mr. Daniel Cardoso approached the Board. There was noted that the Class 1 Survey requirement was waived at the last meeting. Mrs. Walker noted that the plans before the Board shows the septic system, but since the submission, the system has backed up and they also did some test holes and found a 3 foot water table. She noted that with correspondence with RIDEM and that it will be considered a new application as opposed to an alteration. She explained how what is shown on the plans before the Board will be different and that construction on the system might start before the Planning Board approval due to the emergency.

The Board went over the Town Planner's comments and the comments from the consulting engineer. It was noted that the burning bush would be changed to another shrub. There was discussion on the concern of cars going over the retaining wall. Mrs. Walker noted that she spoke with the Landscape Architect and that there is a double row of plantings there. There was discussion on the lighting plan. There was discussion on the drainage.

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Ms. Paquet arrived at 7:17 p.m.

The Board asked the Town Planner to find out if the consulting engineer has determined if the proposed landscaping is dense enough to be adequate to address the guardrail or bumper stop issue.

There was discussion on the requirements for the Final Plan. It was noted that an As-built of the parking lot and roof runoff drainage will be required, but that the As-built need not be recorded.

**Motion** to approve the Preliminary Plan for the Big River Vet Services structure addition and parking lot expansion, with the following conditions:

1. That the burning bush be replaced with an alternative planting for the landscaping plan
2. That the comments from American Engineering dated 12-22-09 be addressed, and that the Town's consulting engineer address the adequacy of the proposed plantings in regard to the comment about a method to prevent a vehicle from going over the wall.
3. Final approval will consist of a final inspection by the consulting engineer and as-built plans submitted prior to issuance of a Certificate of Occupancy
4. larger scale lighting plan to be submitted for review and approval by the Building Official
5. the Final plan may be reviewed administratively

This motion is based on the following findings of fact:

1. That with the proposed conditions, the plan will conform to the requirements of the Zoning Ordinance and the Land Development and Subdivision Regulations.
2. That the proposed project and development plan meets the general criteria and standards for Development Plan Review, specifically pertaining to landscape, the relationship of proposed structures to the environment, surface water drainage, and on-site parking and circulation. The roof drainage is designed to accommodate for the net increase in runoff
3. That the curbcuts are existing and will remain the same, and no substantial change in traffic is anticipated.

Ward-O'Loughlin (4-0)

It was noted that the layout plan needs to be recorded.

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

**Comprehensive Plan**

No discussion.

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 7:34 p.m.

**WEST GREENWICH**  
**February 8, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on February 8, 2010. Present were: Chairman Mark Boyer, David Berry, Tom O'Loughlin, Brad Ward (7:13 p.m.), Tim Regan (7:20 p.m.) and alternate Bill Bryan (7:07 p.m.). Alternate William Lepak was absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was also present.

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

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Being 3 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**

January 11, 2010 Regular Meeting

Motion to approve the consent agenda. Berry- O'Loughlin (3-0)

**Public Hearing on Amendment to Comprehensive Plan- in association with Advisory Opinion to Town Council for Zoning District Change: AP 3 Lot 21**

Request to change from RFR-2 to Highway Business

Owner/Applicant: Lewis & Clarke Enterprises, Inc.

Location: 73 Hopkins Hill Road

The applicant was not present. Ms. Paquet reported on the application and her review and findings. She gave a description of the area and noted that this is one of the lots that had a home on it when the Town instituted zoning and designated this area as Industrial, but that the homeowner didn't want to be burdened with taxes for an industrial lot. She noted that the intent was that eventually all these parcels would become Industrial. She explained that the applicant is requesting to change the zoning on the lot to Highway Business, which is technically inconsistent with the text of the Comprehensive Plan, but is not outside the spirit of having that area reserved for business uses, rather than for residential. She explained the minimum lot size requirements for the various zoning districts and noted that this lot is 1.8 acres and would be undersized for Industrial, but that it meets the requirements for Highway Business. She noted that her memo gives additional reasons and support to change to Highway Business, and noted that her recommendation is to change the zoning to Highway Business. She noted that the applicant wants to put a landscaping supply business there and sell shrubs.

Motion to open the public hearing. O'Loughlin-Berry (3-0). Mr. Bryan arrived at 7:07 p.m.

Mr. Paul Kaltschnee, in the audience, representing the Conservation Commission noted that the applicant was not present at their meeting and that they recommended that it be continued until the applicant could answer their questions.

Mr. Berry noted that Highway Business keeps it conforming, but that the applicant should be present. Motion to continue the public hearing to the next regular meeting. Berry-O'Loughlin (4-0).

Adrian Knott, Browns Corner Road, noted that the applicant has already begun site work on the lot. Chairman Boyer noted that the applicant now knows what they have to do.

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**Advisory Opinion to Town Council for Zoning District Change:** AP 48 Lot 2-3 and AP 49, Lot 3

Request to change from partially Highway Business and partially RFR-2 on each lot to all HB on each lot. Owner/Applicant: Best New England, Inc.

Location: corner of Victory Highway and Breakheart Hill Road

Chairman Boyer recused himself from this agenda item.

Mr. Robert Boyer, PLS presented the application to the Board. Mr. Thomas Gotauco and his attorney, Mr. Kevin Brill were present in the audience.

Mr. Boyer explained that residential triangular portion of lot 2-3 is now proposed to remain Residential on the westerly side of the stream, instead of changed to Highway Business, as discussed at the Conservation Commission meeting. He noted that they decided to take the south line from Lot 2-3 and draw it down, and from there west on Lot 3 would stay Residential. Mr. Boyer noted that the wetlands can never be built on.

Mr. Ward arrived at 7:13 p.m.

There was discussion on the wetlands and the wetlands restoration that was consent ordered. Mr. Boyer explained that the blue radius line is for the transient community well, which is the well that supplies the restaurant and the rest of the complex, and that within this radius, there can't be any septic systems. He noted that normally these wells are visited every 3 years by the RI Department of Health, but that due to the truck stop and the pavement, Mr. Gotauco has to have it tested every 3 months.

Mr. Boyer discussed the wetland creating a buffer. He noted that a member of the Conservation Commission questioned that if it stays residential, who would want to build a house there.

Mr. Bryan asked if the area within the well radius can be built on. Mr. Boyer noted that no septic systems can go there, but he didn't know if structures can be built there.

Mr. Paul Kaltschnee, member of the Conservation Commission, in the audience, noted that the Conservation Commission has a recommendation to approve the application with the line drawn down to keep the point Residential and to make the rest of lot 3 and 2-3 as Highway Business.

Ms. Paquet noted that this presentation shows something different than the actual application before the Board, and that the orange area shown on the plan for presentation is something new and that it needs to be reflected in the motion.

Mr. Regan arrived at 7:20 p.m.

The Board took comment from the audience.

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Karen Peltier, 37 Catherine Wright Court, expressed concerns of hearing and seeing the truck stop, and that when trucks park on the residential part of the property that they can smell it. She noted that the people in the development worry about their property values. She also expressed concern of the deforestation in the wetland and its function as a buffer to Catherine Wright Court.

There was discussion on the tree coverage on the lot.

Joe Sipolski, 3 Catherine Wright Court, expressed concerns about what assurances there are about not encroaching on the buffer.

There was more discussion on the buffer and the trees.

Thaylen Waltonen, Town Council member, 610 Weaver Hill Road, suggested having a site visit.

The Board set a site visit for 8 a.m. on Saturday, February 20, 2010 on site. It was noted that this is an open meeting. Attorney Brill noted he has an issue with this and will determine, in the meantime, whether the public should be allowed on the property due to liability issues.

Motion to continue to the March meeting. Ward-O'Loughlin (5-0).

The Board had a 5 minute break at 7:55 p.m.

**Joint meeting with Town Council**

The Planning Board reconvened at 8 p.m. Members present were: Chairman Mark Boyer, Brad Ward, David Berry, Tim Regan, Thomas O'Loughlin, and alternate Bill Bryan. Alternate William Lepak was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present.

Town Council members present were: President Robert Butler, Thaylen Waltonen, Susan Woloohojian, and Kelly Stuart. Mark Tourgee was not present. Town Administrator Kevin Breen was present. Tax Assessor Charlene Randall was also present.

**Conservation Design Development –**  
Presentation to Town Council about Conservation Design Development

Ms. Paquet gave an informational presentation on the basic concepts of Conservation Design Development, including what it can do for West Greenwich, and some of the key features that have been proposed in the draft ordinance. She passed out copies of the slides to the audience. After the presentation there was a question and answer session. Ms. Paquet noted that she is working on an analysis of comparing values for Conservation Development house lots and traditional house lots, which is forthcoming.

Motion to adjourn. Ward-O'Loughlin (5-0). The meeting ended at 8:44 p.m.

**WEST GREENWICH**  
**March 15, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on March 15, 2010. Present were: David Berry, Tom O'Loughlin, Brad Ward, and Tim Regan (7:30 p.m.) and (7:07 p.m.). Chairman Mark Boyer and alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was not present. Assistant Town Solicitor Nancy Letendre was present. Vice Chairman Ward called the meeting to order at 7:05 p.m.

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Being 3 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
February 8, 2010 Regular Meeting

Motion to approve the consent agenda. Berry- O'Loughlin (3-0)

**Advisory Opinion to Town Council for Zoning District Change, cont.:**

AP 48 Lot 2-3 and AP 49, Lot 3

Request to change from partially Highway Business and partially RFR-2 on each lot to all HB on each lot. Owner/Applicant: Best New England, Inc.

Location: corner of Victory Highway and Breakheart Hill Road

Continued from February 8, 2010

Mr. Robert Boyer discussed the application and submitted a panoramic assembly of photos showing the plantings along the wetland perimeter restoration. Mr. Thomas Gotauco and his attorney, Mr. Kevin Brill were present in the audience. There were no members of the public to speak on this application.

The Board members noted that they had visited the site individually, and that the proposed zone change would have no significant negative affect to the surrounding community. They also noted that it was important to remove the Highway Business designation from Lot 2-5 to eliminate any possibility of the Highway Business designation spreading down Breakheart Hill Road, and that this would be a benefit to the area.

**Motion** to recommend that the Town Council approves the Zoning Map Change amendment to the Zoning Ordinance for the application of Best New England, Inc. for the properties of AP 48, Lot 2-3 and AP 49, Lot 3, to change a portion of that area zoned Rural Farming Residential 2-acre to Highway Business, as indicated on the amended site plan; and to change the zoning on AP 48, Lot 2-5 to RFR-2 in its entirety, with the condition that access for commercial purposes to AP 48, Lot 2-3, be derived solely from Victory Highway through AP 49 Lots 3 and 2, and based on the following findings of fact, findings of consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning:

*Findings of Fact:*

1. The parcels are currently 35 – 40 percent zoned Highway Business and are contiguous with a Highway Business zoning district.
2. The parcels are under single ownership by a truck stop business, and are partially occupied by such existing business.

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3. The parcels are in close proximity to the interchange of I-95.
4. The parcels are isolated from abutting residentially zoned land to the south and southwest by a natural stream feature.
5. Any development proposal for the site will be required to go before the Planning Board for Development Plan Review.
6. That AP 48, Lot 2-5 is also under the ownership of the applicant, and that the existing zoning of Highway Business on the corner of this parcel amounting to approximately 4,400 square feet out of a 100,000 square foot parcel serves no purpose and shall be made consistent with the predominant zoning designation on the parcel in order to clearly define the boundary between the Highway Business zoning district and the RFR-2 zoning district.

*Consistency with Comprehensive Plan:*

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

Economic Development Goals 2 and 5, and Policies 2, 8, 15, and 20  
Land Use Goal 6, and Policy 16

*Findings of Consistency with the Purposes of Zoning:*

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

1. Promoting the public health, safety and welfare.
2. Providing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
3. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the Comprehensive Plan adopted by the Town of West Greenwich, and which recognizes the natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution

Berry-O'Loughlin (3-0)

**Amendment to Comprehensive Plan- in association with  
Advisory Opinion to Town Council for Zoning District Change,  
Public Hearing, cont.:** AP 3 Lot 21

Request to change from RFR-2 to Highway Business

Owner/Applicant: Lewis & Clarke Enterprises, Inc.

Location: 73 Hopkins Hill Road

Continued from February 8, 2010

Mr. Thomas Clarke and Mr. Kurt Wilcox were present. There were no members of the public to speak on this application. Mr. Wilcox presented a plan for a landscaping and nursery business. The Board noted that the proposal will need to be submitted as a Development Plan application for review and approval by the Planning Board at a later date.

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**Motion** to amend the West Greenwich Comprehensive Plan, Future Land Use Map, as requested in the application of Lewis & Clarke Enterprises, Inc., to reclassify the area of AP 3, Lot 21 from 'Low Density Residential' to 'Highway Commercial' based on the following findings of fact and conditions of approval:

*Findings of Fact:*

1. The parcel is currently zoned for Residential use, which is inconsistent with the goals of the Comprehensive Plan, and is surrounded by Industrial A zoned property.
2. The parcel fronts on Hopkins Hill road, a major arterial, and is in close proximity to the interchange of I-95.
3. The parcel is a 1.8 acre lot with 300 feet of frontage and contains one vacant dwelling unit.
4. The minimum lot size for the Industrial A zoning district is 2 acres, which is not met by the subject parcel.
5. The Comprehensive Plan supports rezoning parcels in this general area to Industrial A, however the subject lot is undersized to meet the minimum needs for an industrial use, which would create a hardship. Rather, the lot can support Highway Business uses, which are otherwise consistent with the Comprehensive Plan and the purpose of the Highway Business zoning district.
6. Any development proposal for the site will be required to go before the Planning Board for Site Plan Review.

*Conditions Approval (required by State Law):*

1. This plan element shall not become effective for the purpose of guiding the State of Rhode Island or any of its agencies until it has been approved by the State of Rhode Island, in accordance with the manner prescribed in the Comprehensive Community planning and Land Use Regulation Act, or pursuant to any rules and regulations as adopted pursuant thereto; and,
2. The plan amendment shall become effective for the purpose of conforming municipal land use decisions upon adoption by both the Planning Board and the Town Council.

O'Loughlin-Berry (3-0)

**Motion** to recommend to the Town Council the approval of the requested Zoning Map amendment for the application of Lewis & Clarke Enterprises, Inc., dated 12/7/09, for the property of AP 3, Lot 21, to change the zone from Rural Farming Residential 2-acre to Highway Business, based on the following findings of fact, findings of consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning:

*Findings of Fact:*

1. The parcel is currently zoned for Residential use, which is inconsistent with the goals of the Comprehensive Plan, and is surrounded by Industrial A zoned property.
2. The parcel fronts on Hopkins Hill road, a major arterial, and is in close proximity to the interchange of I-95.
3. The parcel is a 1.8 acre lot with 300 feet of frontage and contains one vacant dwelling unit.

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4. The minimum lot size for the Industrial A zoning district is 2 acres, which is not met by the subject parcel.
5. The Comprehensive Plan supports rezoning parcels in this general area to Industrial A, however the subject lot is undersized to meet the minimum needs for an industrial use, which would create a hardship. Rather, the lot can support Highway Business uses, which are otherwise consistent with the Comprehensive Plan and the purpose of the Highway Business zoning district.
6. Any development proposal for the site will be required to go before the Planning Board for Site Plan Review.

#### *Consistency with Comprehensive Plan:*

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

Recent amendment to the Comprehensive Plan Future Land Use Map to designate this lot to Highway Commercial based on the following goals and policies in conjunction with the above findings of fact:

#### **Economic Development chapter**

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

Goal #6- Encourage expansion of Industrial activities at or near the Technology Park (same as Land Use Goal #7)

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

Policy 10.- Residential land on the west side of Hopkins Hill Road, north of I-95, shall be analyzed as potential Industrial A area for future use.

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

#### *Findings of Consistency with the Purposes of Zoning:*

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

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

O'Loughlin-Berry (3-0)

Motion to close the public hearing. O'Loughlin-Berry (3-0)

Mr. Ward left the meeting at 7:30 p.m.

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**Community Development Block Grant (CDBG) : 2010 Grant Round**

-- Provide Advisory Opinion to Town Council on proposals

There was discussion on the proposed applications.

Mr. Regan arrived at 7:32 p.m.

Ms. Melina Lodge, Strategic Planner from WARM explained their service to the community and the need for their proposed CDBG activities.

**Motion to** make a finding that the following proposed projects in the 2010 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. Housing Rehabilitation Program
2. Westerly Area Rest Meals shelter Employment/Job Readiness Program
3. Westerly Area Rest Meals Emergency Shelter renovations
4. Westerly Area Rest Meals walk-in refrigerator and freezer unit
5. Housing Information Program
6. Wood River Health Services' Diabetes, Obesity, and Cardiovascular Disease Education and Outreach Program
7. South County Community Action facility renovations
8. Washington County Community Development Corporation operating costs
9. Community Housing Land Trust technical assistance to communities and foreclosure prevention outreach

O'Loughlin-Regan (3-0)

**Development Plan Review: Pre-Application Plan : AP 3, Lot 16**

Site #3 in "Hopkins Hill Industrial Park"

--off Hopkins Hill Road; two 6,000 s.f. buildings for offices with rear storage garage bays

Owner/Applicant: Gansett Associates

Mr. Kirk Pickell Mr. Jeff Butler of Gansett Associates were present. The noted that they want to start on two proposed buildings on site 3 in the park. The Board noted that they will need to submit renderings of the buildings. Mr. Butler noted that with all the rain lately, that there has been no water in the drainage pond. It was noted that the applicant will have renderings with a brick façade to the buildings for the next application.

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**Conservation Design Development –**  
Status of proposed ordinance

The Board asked if anyone has heard any sentiment from the Town Council.

**REPORTS AND SPECIAL ITEMS**

**Notice of Tolling of Approvals: November 2009 RI State Legislation**

-Municipal approvals and permits from Planning Board and Zoning Board suspended between November 9, 2009 and June 30, 2011.

Mrs. Letendre explained that this bill extends valid approvals as of November 2009 until June 30, 2011, plus the amount of time that was left on the original approval. She noted that the State is working to revise the bill with a clarification of what “tolling” means. She noted that the current language is unclear on if this extension applies to new applications, but recommends that they could have vesting until June 30, 2011 or until the normal vesting period, whichever occurs later.

Motion to adjourn. Regan-O’Loughlin (3-0). The meeting ended at 8:00 p.m.

**WEST GREENWICH**  
**April 19, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on April 19, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, and Tim Regan. Tom O'Loughlin and alternates William Lepak and Bill Bryan were absent. Town Planner Jennifer Paquet was present. Assistant Town Solicitor Nancy Letendre was present (7:01 p.m.)  
Chairman Boyer called the meeting to order at 7:00 p.m.

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Being 4 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**  
March 15, 2010 Regular Meeting

Motion to approve the consent agenda. Ward-Berry (3-0, with Boyer abstaining)

**Major Residential Subdivision: Final Review**

“Regina Estates” – AP 23, Lots 50, 45-5, and 109-1

--on Regina Drive; 5 new frontage lots

Applicant: MPDR Construction Co., Inc. (Ronald A. Maggiacomo)

The applicant has asked for a continuance to next month to look into the need for a drainage swale along Regina Drive. Motion to continue to next month. Ward-Berry- (3-0, with Boyer abstaining)

**Development Plan Review: Pre-Application Plan: AP 3, Lot 21**

“Hopkins Hill Nursery”

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Mr. Kurt Wilcox and Mr. Thomas Clarke were present.

Chairman Boyer noted that he has received calls over the weekend about why the business has opened without Planning Board approval. It was noted that the Board is going to review the site plans, and will go over with the applicant what could be waived from the Preliminary plan checklist. Chairman Boyer noted they have to address the issues of what the site was like beforehand. The Board went over Ms. Paquet's memo.

Regarding stormwater, it was noted that RIDEM has been out to the site regarding the wetlands issue. The Board noted that RIPDES is not needed. Mr. Wilcox noted that he has not been cited, but that RIDEM told him what to do. There was discussion on the discrepancy that DEM calls the stream an ASSF, yet the plan says there is a wooded swamp and a stream. The Board noted that the wetland edge needs to be flagged and mapped on the Preliminary Plan, and that a wetland biologist needs to classify what it is and state if there is a jurisdictional buffer. Chairman Boyer explained to Mr. Wilcox that the Town regulations require for the file either a permit from RIDEM, or a statement from a biologist, also known as a letter of findings.

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Regarding the pollution prevention plan, the Board required a letter from the applicant stating that pesticides will not be stored on the site.

Regarding the site stabilization, Mr. Wilcox noted he has mulched most of it and will hydroseed the back slope within a few days.

Regarding trash, Mr. Wilcox noted that there are garbage barrels and the trash will be taken to his site on Tiogue Avenue with dumpsters. He noted that he saves the plant pots, and mostly coffee cups and stuff like that would be trash.

Regarding Lighting, Mr. Wilcox noted that there was a lamp post light out front which was there before. It was noted that there would be no outdoor display lighting, but if any is added, it will have to come before the Board. Any lighting for the sign needs to be included on the Preliminary plan.

Regarding parking, it was noted that this needs to be on the Preliminary Plan. Mr. Wilcox noted that there would be half a trailer truck for delivery and noted that there has been no problem.

Regarding site circulation, there was concern over the width of the existing curb cuts for a commercial use. It was noted that the consulting engineer needs to comment on this and if needed, there should be one-ways. It was noted that the dimensions of the curb cuts need to be on the plan.

Regarding the septic, Mr. Wilcox noted there is a leach field and that he thinks Ray Moffit put it in. Chairman Boyer noted that the ISDS application number needs to be submitted or an SSD.

Regarding the sign, it needs to be included during the Preliminary Plan review. Mr. Wilcox might want to pursue a permit with the State for the sign in the right-of-way.

Regarding hours of operation, Mr. Wilcox noted the hours are 8 to 6 Monday through Friday, 9 to 4 Saturdays, and 9 to 2 on Sundays. He noted it slows down after July 4th through the fall, and they might be closed Mondays or Tuesdays, and will be shut down in the winter.

The Board went through the Preliminary Plan checklist and noted the following comments: the zoning district needs to be changed and shown on the plan, a Class 1 survey is required, biologist letter is required, waiver on existing contours, building envelope needs to be shown, waiver on aerial photo and vicinity map, the contours shown on the plan will suffice for the proposed grading plan, need notation of no drainage structures, show the details for erosion and sedimentation control, waiver on landscaping plan as this is a nursery, if there will be lighting it needs to be shown on the plan, need to submit signage plan, Class 1 survey needs to be done, the survey needs to certify the topography (Chairman Boyer will discuss the notation on the plan with the applicant's design professional), copy of ISDS is required. It was noted that the Town's consulting engineer will need to review the plan. It was reiterated that the Planning Board has not granted any approval, and the applicant has acted at this own peril. The Board gave the applicant a copy of the Preliminary Plan checklist with the items that he can ask for a waiver on.

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There was further discussion and clarification on what needs to be done. Given the deadline, the Board will accommodate the applicant for next month's meeting.

**Conservation Design Development –**  
Status of proposed ordinance

The Board asked Ms. Paquet to include the documents in the next packet. It was noted that the Board wants to move forward with sending a recommendation to the Town Council for the proposed amendment to the Zoning Ordinance.

**West Greenwich Affordable Housing**  
Percentage and proposed strategies

Ms. Paquet noted that the current percentage is at 1.9%, but that it is based on 2000 census figures and it will drastically change when the 2010 figures come out and the number is recalculated.

Motion to adjourn. Ward-Berry (4-0). The meeting ended at 8:01 p.m.

**WEST GREENWICH**  
**May 24, 2010**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on May 24, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, and Tom O'Loughlin. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet was not present. Assistant Town Solicitor Nancy Letendre was present. Chairman Boyer called the meeting to order at 7:02 p.m.

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Being 5 members present, it was determined that there was a quorum.

**Acceptance of Minutes (Consent Agenda)**

April 19, 2010 Regular Meeting

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

**Development Plan: Status of Operations**

"BMX Track"- AP 49, Lot 1

--off Barnett Lane; dirt bicycle track at Dan's Pizza site

Applicant: Woodland BMX ; Owner: DCH 1 Realty Holdings, LLC

- Board required applicant to appear at May or June meeting to address the status of site stabilization to be completed in 2010 spring growing season

Motion to continue to the June meeting. Ward-Regan (5-0)

**Major Residential Subdivision: Final Review**

"Regina Estates" – AP 23, Lots 50, 45-5, and 109-1

--on Regina Drive; 5 new frontage lots

Applicant: MPDR Construction Co., Inc. (Ronald A. Maggiacomo)

Chairman Mark Boyer recused himself. Vice Chairman Ward took leadership of the meeting.

Mr. Maggiacomo was present in the audience.

Mr. Robert Boyer, PLS, addressed the Board. He noted that all of the requirements have been met and that the major thing is the water quality, which will be stipulated on the plan that testing needs to be done prior to a Certificate of Occupancy. He noted that the runoff will be contained and the roof top runoff will all be collected in an underground system. He noted that his client understands all of the stipulations. Vice Chairman Ward noted that the road shoulders also need to be seeded.

There was discussion on when the water tests were done. Mr. Maggiacomo noted that the last test was performed a little over a year ago. There was further discussion.

There was discussion on the need for a swale and the shoulder. It was noted that this will be added to the motion as item 14, to loam and seed the should and to call the Highway Superintendent for approval.

There was discussion on the water treatment provision in the motion. It was noted that no changes are needed to this condition.

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**Motion** to approve the Regina Estates Final Plan for AP 23, Lots 50, 45-5, & 109-1, with the following conditions:

1. That the drainage swale for Regina Drive along the entire frontage of each lot and up to the inlet to the cross culvert at station 9 +00 be properly graded, loamed and seeded, and stabilized prior to recording the final plan.
2. That each well be re-tested for water quality and a proper treatment system be designed prior to issuance of a Building Permit. The treatment systems shall be installed as part of the plumbing system, not after. The water shall be tested again prior to issuance of a Certificate of Occupancy to demonstrate that no VOC's or SVOC's are detected at the tap, and that all other drinking water quality standards are met.
3. All deeds establishing ownership of each new lot shall be recorded along with the Record Plan.
4. All deeds for each lot shall include a Disclosure Statement including the results of the water quality testing, that a copy of the test results can be found at the Town Planner's office, and a notation that further water quality testing of the wells by the homeowners may be necessary to ensure continued compliance with applicable water quality standards, and that this Disclosure statement shall be expressly stated in all deeds of conveyance and future conveyance.
5. All transfer deeds proposed for existing lots AP 23, Lots 46, 45-3, and 45-4 shall be recorded along with the Record Plan.
6. All proposed granite bounds and iron pins shall be installed prior to Recording the subdivision plan, and the site surveyor shall provide documentation for the file that such has been completed.
7. Submit easement document for cistern, including metes and bounds description.
8. The applicant shall pay the Town of West Greenwich \$35,000.00 for the reimbursement expenses on the unfinished section of Regina Drive prior to recording final plan.
9. The applicant shall pay the Open Space and recreation fee per lot, as assessed at time of Recording the final plan. (5 new lots).
10. That the house lots be designed for zero net increase in runoff volume and that infiltration design be shown on each site plan for review by the Town as part of the Building Permit applications. Follow recommendations and requirements of Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc.
11. that site plans are required for each individual lot to be reviewed and approved by the Town, in order to obtain a building permit. All cost of review and inspection shall be reimbursed in full prior to issuance of a Certificate of Occupancy. Site plans shall show the proposed location and grading for the driveways, driveway culverts, the infiltration systems from the Preliminary Plan details, and soil erosion and sedimentation controls. Follow recommendations and requirements of Memo dated June 30, 2008, from Shawn M. Martin, PE, of Fuss & O'Neill, Inc.
12. The Project Review account shall be replenished as needed for review of engineering and inspections.
13. All the lots need adequate bearing capacity of the soil for the location of the house.
14. That the road shoulder shall be loamed and seeded, and shall be approved by the Highway Superintendent.

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This motion is based on the following findings of fact:

1. That the Planning Board finds that the water quality report dated January 12, 2006 by Lincoln Environmental, Inc., indicates that the water quality of the wells met the standards at that time based on the RI Public Drinking Water Standards, however, there are detection limits of volatile organic compounds (and SVOC's) present which suggests that the wells are susceptible to contamination of VOC's. A treatment system designed to treat the current levels and installed prior to the plumbing of the house, is a prudent measure as a barrier of protection in case the standard is exceeded. Given the presence of contaminants, the Planning Board further recommends that the future homeowners of these lots maintain the treatment systems and monitor their water quality regularly.
2. That Regina Drive is an unfinished, unaccepted road proposed for public use, for which the Town has paid construction costs, and seeks to recoup this cost, similarly to the Stubble Brook Road fund.
3. That minimizing increased volume of runoff due to increasing impervious surfaces helps prevent flooding down stream, and that infiltration helps to maintain groundwater recharge.
4. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
5. That each lot in the subdivision conforms to the standards and provision of the West Greenwich Zoning Ordinance.
6. That there will be no known significant negative environmental impacts from the proposed development as shown on the plan, with all required conditions for approval;
7. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
8. That the proposed subdivision lots have adequate and permanent legal access to a public street;
9. That the subdivision, with conditions, provides for safe circulation of vehicular traffic, for surface water run-off control, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and,
10. That, with conditions, the design of building lots, utilities, drainage improvements and other improvements in the proposed subdivision shall minimize flooding and soil erosion.

Berry-Regan All in Favor (4-0)

Chairman Mark Boyer rejoined the Board.

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**Development Plan Review: Preliminary Plan : AP 3, Lot 21**

“Hopkins Hill Nursery”

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Mr. Clarke and Mr. Wilcox were present. Mr. Robert Curran, PLS, was present for the applicant. Mr. Dan Cotta, PE, consulting engineer for the Town from American Engineering was present at 7:15 p.m.

Chairman Boyer noted that a couple things have taken place since the last meeting. He noted that the property has been flagged by a biologist and that the letter of findings state that what was labeled as an ASSF is a stream with a riverbank wetland. He noted that the applicant has submitted a System Suitability Determination which will be submitted to the State. It was noted that one outstanding item is the letter about no pesticides being stored on the site.

It was noted that the comments from the consulting engineer were e-mailed out last week. The Board went over the comments from the engineer. Mr. Wilcox noted that he submitted an application for a Physical Alteration Permit for the sign to the State last week. Mr. Curran noted that they are proposing a one-way, which is not shown on the plan yet.

Chairman Boyer asked if there has been an inspection of the wastewater system yet. It was noted that the Board will need for the System Suitability to come back from RIDEM.

There was discussion on the wetland. Chairman Boyer noted that the Board needs something in writing from RIDEM about the wetland. Mr. Wilcox noted that he spoke to Mr. Cook at RIDEM and asked for something in writing. Mr. Wilcox noted that Mr. Cook said he was not cited and that he will get something to him in writing, but that they are busy. Mr. Wilcox will need to follow-up with RIDEM.

Chairman Boyer noted that the Board can't grant any approval until the septic system, the wetlands, and the traffic are addressed.

There was discussion on the sign.

Motion to continue to the June meeting. Ward-Regan (5-0)

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**Minor Residential Subdivision: Preliminary Plan : AP 8, Lot 30  
and Advisory Opinion to Zoning Board on Frontage Variance**

--off Harry Andrews Road; subdivide two existing houses on one lot into two lots  
Owner/Applicant: William Miller

Attorney John Pagliarini, Jr. was present for the applicant. Mr. Miller was present in the audience.

Mr. Pagliarini noted that they are trying to cure the issue of 2 houses on one lot, which have been there for 30 or 40 years. He gave a history of the case and explained the proposed configuration of the lots.

It was noted that the existing driveway easement will remain. It was noted that electrical lines need the easement reference to be shown on the plan.

Chairman Boyer noted that the ISDS is not shown on the second lot and that it needs to be shown. He noted that the applicant needs to apply for a waiver on the lot width. It was noted that the application fee has been paid.

**Motion** to approve the proposed Minor subdivision entitled, "Miller Homestead," for AP 8 Lot 30, dated 5/20/2009, prepared for William Miller, prepared by David Garrigan, PLS, with the following conditions:

1. Pay application fees
2. Need to add zoning district to record plan
3. Obtain Zoning Board approval
4. label all existing buildings, show existing sanitary systems, and wells
5. apply for necessary waivers from Land Development and Subdivision Regulations
6. ensure that the driveways are on their respective properties, or have adequate easements
7. verify the electrical easement to the northeast corner of the property.

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

1. That two single-family homes are currently on one property and that the Zoning Ordinance prohibits two single-family homes on one property
2. That the proposed subdivision will result in one single-family dwelling per lot.
3. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
4. That each lot in the subdivision conforms to the standards and provision of the West Greenwich Zoning Ordinance, or that a variance shall be sought from the Zoning Board.
5. That there will be no known significant negative environmental impacts from the proposed development as shown on the preliminary plan, as the development is pre-existing;

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6. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. That the proposed subdivision lots have adequate and permanent legal access to a public street;
8. That the subdivision provides for suitable building sites.
9. That the design and location of building lots, utilities, and other improvements in the proposed subdivision shall minimize flooding and soil erosion.

Ward- Regan (5-0)

**Motion** to send a recommendation to the Zoning Board to approve a reduction in frontage to no less than 50 feet as shown on the plan dated May 20, 2010, prepared by David Garrigan, PLS, and that the plans be revised as required by the Planning Board as stipulated.

Ward-Regan (5-0)

**Conservation Design Development –**  
Status of proposed ordinance

Chairman Boyer noted that a motion is in the packets, but that it is too early to vote because the Board has not had a chance to discuss the changes. He asked that Ms. Paquet send a final draft to the Board for review and discussion at the June meeting. He noted that he might ask for a special meeting to act on this sooner rather than later, and that it should be a priority.

**Development Plan: Status Update for Final Review**

“West Greenwich Town Pizza” AP 49, Lot 1

--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval

No one was present for this item. Motion to continue to the June meeting, and to inform the applicant that he must be present. Ward-O’Loughlin (5-0)

Motion to adjourn. Ward-Regan (5-0). The meeting ended at 7:52 p.m.

## **WEST GREENWICH**

**June 22, 2010**

### **PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on Tuesday, June 22, 2010. Present were: Chairman Mark Boyer, David Berry, Brad Ward, Tim Regan, and Alternate Bill Bryan. Tom O'Loughlin was absent. Town Planner Jennifer Paquet was present. Chairman Boyer called the meeting to order at 7:04 p.m.

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Being 5 members present, it was determined that there was a quorum.

#### **Acceptance of Minutes (Consent Agenda)**

May 24, 2010 Regular Meeting

Motion to approve the consent agenda. Ward-Regan (3-0, with Boyer and Bryan abstaining)

#### **Development Plan: Status of Operations**

“BMX Track”- AP 49, Lot 1

--off Barnett Lane; dirt bicycle track at Dan's Pizza site

Applicant: Woodland BMX ; Owner: DCH 1 Realty Holdings, LLC

- Board required applicant to appear at May or June meeting to address the status of site stabilization to be completed in 2010 spring growing season

Mr. Manny Timoteo from the BMX club was present. Mr. Dan Hebert, owner of the property, was also present in the audience. Mr. Timoteo explained that they planted grass along the fence line and that the grass is coming up. Ms. Paquet noted that she visited the site on June 7, 2010 and noted that there is grass growing on the back sides of the berms also, but that the whole parking lot area is not completed in accordance with the plan. She noted that the Zoning Board had a requirement that boulders be around the parking area. Chairman Boyer asked how much damage was done to the parking lot with all the recent rain that we've had. Mr. Timoteo noted that it gets washed out from the road, but that it is not too bad. He noted that it did not take them long to get back in shape. There was discussion on flooding and drainage at the site.

Chairman Boyer asked for a time estimate on when the boulders would be installed. Mr. Timoteo noted it would be at the end of the season. It was noted that the applicant needs to come back in October. He noted that if there is erosion that they need to use haybales and silt fence.

#### **Development Plan Review: Preliminary Plan : AP 3, Lot 21**

“Hopkins Hill Nursery”

--on Hopkins Hill Road; redevelop existing site for nursery and landscaping materials sales

Owner: Lewis & Clarke Enterprises, Inc. Applicant: Kurt Wilcox

Chairman Boyer noted that there was a brief discussion with Mr. Clarke prior to the meeting at which time Mr. Clarke submitted a copy of the application to RIDEM for the septic system to the Board. Chairman Boyer noted that if the applicant does not comply with the requirements by July that a letter should be sent to the Building Official.

Motion to continue to the July meeting. Ward-Regan (5-0)

**WEST GREENWICH**  
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**PLANNING BOARD MEETING**

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**Development Plan: Status Update for Final Review**

“West Greenwich Town Pizza” AP 49, Lot 1  
--off Barnett Lane

- Board required applicant to come back to Board for update on installation of street tree plantings per April 27, 2009 approval

Mr. Dan Hebert was present. Mr. Hebert noted that the street trees for the access road have not been installed. He asked for suggestions from the Board noting concerns of a drop-off to the detention pond, runoff from the road, and snow plowing. Chairman Boyer noted that the street trees are shown on the approved plan. There was discussion. It was noted that additional trees had been planted elsewhere on the site. Mr. Hebert noted that there were changes from the plan and pointed out where things were different on the landscaping. Upon reviewing the plan for the designated trees, there was concern about the sustainability of the plum ornamentals. There was discussion on the configuration of the access road as constructed versus as shown on the approved plan. The Board decided to allow the relocated trees to count towards the total landscaping. Chairman Boyer asked for a revised plan of an As-built to show the revised landscaping and reconfigured access road for the July meeting.

Motion to continue to the July meeting. Ward-Regan (5-0)

**Minor Residential Subdivision: Final Plan : AP 8, Lot 30**

--off Harry Andrews Road; subdivide two existing houses on one lot into two lots  
Owner/Applicant: William Miller

Attorney John Pagliarini, Jr. was present for the applicant. Mr. Miller was present in the audience.

Chairman Boyer noted that there needs to be notation about the easement for the driveway and what is going to happen with it. Mr. Pagliarini noted that they plan to move the driveway so that there is no encroachment. Chairman Boyer noted that a note is needed on the plan about that. There was discussion on what needs to be shown on the plan. Chairman Boyer had handed Mr. Pagliarini a list of items that need to be addressed for the recorded plan.

Mr. Pagliarini passed out a sheet with the requested waivers. He noted that some of them are addressed by the variance that was granted by the Zoning Board last week. There was discussion on the waivers. It was noted that many of the requirements can't be met due to the configuration of the parcels and the existing homes. It was noted that the Zoning Board approval should to be noted on the Record Plan. Chairman Boyer noted all the other checklist items, like abutters, need to be on the plan. Mr. Ward questioned the use of the trailer. It was noted that it was a storage trailer, and that this should be noted on the plan so that there is no confusion about the use of the trailer.

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**Motion** to approve the proposed Minor subdivision entitled, “Miller Homestead,” for AP 8 Lot 30, dated 5/20/2009, prepared for William Miller, prepared by David Garrigan, PLS, with the following conditions:

1. Pay application fees
2. Need to add zoning district to record plan
3. Notate the Zoning Board approval on the plan
4. label all existing buildings, show existing sanitary systems, and wells, and label the trailer as a storage trailer
5. apply for necessary waivers from Land Development and Subdivision Regulations
6. ensure that the driveways are on their respective properties, or have adequate easements
7. annotate the electrical easement to the northeast corner of the property
8. any and all recorded plans shall be subject to review, comments and approval by an administrative action by the Chair of the Planning Board with the Town Planner
9. all final plan checklist requirements need to be met

This approval is based on the findings of fact 1 through 9.  
Ward- Regan. Motion is on the table. Motion tabled.

**Motion** to accept the waivers as presented. Ward-Berry (5-0)

Mr. Ward’s tabled motion revisited. Chairman Boyer called for a vote. All in favor (5-0).

**Conservation Design Development –**  
Advisory Opinion to Town Council on proposed amendment to Zoning Ordinance

There was discussion on the proposed amendment to the Zoning Ordinance. The following changes were discussed and agreed upon:

1. The Board decided to remove the language from the definition of ‘cluster’ pertaining to ‘except where local ordinance provides incentives,’ noting that the Town is not offering incentives.
2. page 3, 4 a, added the word ‘cluster’
3. page 3, 4 b., need to add to golf courses, “including practice driving areas and practice putting greens,” but to note that “stand alone driving ranges or miniature golf establishments are not allowed.” It was noted that this needs to be repeated on page 4 in section 7 also.
4. regarding the language on page 3 section 4 b 5 on golf courses reading, “their parking areas and any associated structure shall not be included within the 50 percent minimum open space requirement,” it was noted that the result of this is that the accessory amenities of the structure or parking area for a golf course would subtract from the number of residential lots, and it was decided to leave the language as it is written in the document.

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### PLANNING BOARD MEETING

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5. regarding the buffer of 100 feet for playing fields from abutting properties, it was clarified to change this to read “abutting property lines.”
6. there was discussion regarding the potential inclusion of other accessory uses to the residential homestead lots, and it was decided keep the language as it is proposed, to not allow bed and breakfasts, wood products, and kennels.

The above changes were incorporated into the document to be forwarded to the Town Council.

**Motion** to recommend to the Town Council the adoption of the proposed amendments to the Zoning Ordinance to enable the creation of Conservation Design Developments within the Town of West Greenwich, based on the following findings of fact:

1. The proposed amendments are consistent with the Comprehensive Plan, specifically the following Goals, Policies, and Implementation items:
  - a. Natural Resources Goals 2 and 5, Policies 1, 4, 9, 10, 12, 17, & 18, and Implementation Items Policy 18 Implementation. 2 & 3, Goal 2 . I. 2.
  - b. Cultural & Historic Resources Goals 1 & 2, Policy Item 4., Implementation Item 8.
  - c. Housing Goals 2 & 5, Policy Items 1 & 2.
  - d. Open Space & Recreation Goals 2, 3. 5. 6. 7. & 10. Policy Items 1, 2, 5, 6, 7, 10, 12, & 13; Implementation Item Policy 10, I. #1.
  - e. Land Use Goal 1, Policy Items 4, 5, 10, 11, 19, & 23; and Implementation Items Goal 1 Implementation # 2, Policy 7 I #3, P. 9 I #2, and Policy 19, Implementation # 1.
2. The proposed amendments recognize and consider each of the following applicable purposes of zoning:
  - a. Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the West Greenwich Comprehensive Plan, the natural characteristics of the land, including its suitability for use based on soil characteristics and topography; and the use of innovative development regulations and techniques.
  - b. Providing for the protection of the natural, historic, cultural, and scenic character of the Town.
  - c. Providing for the preservation and promotion of agricultural production, forest, silviculture, timber resources, and open space.
  - d. Promoting a high level of quality in design in the development of private and public facilities
  - e. Promoting implementation of the Comprehensive Plan

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

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There was discussion on the proposed language to the Land Development and Subdivision Regulations. Chairman Boyer expressed concern over the language proposing to require that a Landscape Architect or a Physical Planner be required in the design process, especially considering that physical planners are not recognized by any licensing board in the State of Rhode Island. The Board agreed that any appropriate qualified design professional could design the plans.

There was discussion on incorporating native species and drought tolerant species as requirements. Ms. Paquet noted that there is language to this effect recommending that native species and drought tolerant species be used, and that the Landscaping section of the Land Development and Subdivision Regulations would apply to Conservation Design Developments. Mr. Bryan asked if the Town has eliminated the use of irrigation. Ms. Paquet noted that the Town does not specifically prohibit irrigation.

The Board noted they would try to send comments to Ms. Paquet ahead of the next meeting.

Motion to adjourn. Ward-Bryan. (5-0) The meeting ended at 8:31 p.m.