



# **MEETING MINUTES**

## **Town of West Warwick Planning Board**

**Meeting Date:** Monday, May 2, 2016

**Time:** 6:00 p.m.

**Location:** West Warwick Town Hall  
Town Council Chambers  
1170 Main Street  
West Warwick, RI 02893

**Members Present:** Felix Appolonia, Vice Chair  
Joe Gardosik  
Wayne Miller  
Anthony Petrarca

**Members Absent:** Joseph DiMartino, Chair

**Alternate Members Present:**  
Joshua Barrette

**Planning Staff:** Mark Carruolo, Town Planner  
Elaine Mansour, CDBG Manager

**Legal Counsel:** Albert DiFiore, Esquire

All witnesses sworn in by legal counsel.

### **Item 1** **Approval of Minutes**

Review and approval of March 7, 2016 meeting minutes.

Motion to approve the March 07, 2016 minutes by Mr. Gardosik, seconded by Mr. Petrarca. All in favor.

**Item 2**  
**Public Informational Meeting**  
**99 James P. Murphy Highway**

Applicant: Wind Energy Development, LLC.  
Location: 99 James P. Murphy Highway  
Assessor's Plat: 12  
Lot(s): 331  
Zoning District: Business Park (BP)  
Land Area: 10.68 acres  
Number of lots: NA  
Engineer: DiPrete Engineering

The applicant is requesting approval to construct a 279' wind tower on the Arpin Van Lines property in accordance with the Town of West Warwick Zoning Ordinance Section 5.21 "Green Projects." The proposed wind tower will require a dimensional variance for the Zoning Board of Review to have higher than allowed structure height in a Business Park (BP) Zoning District.

**Planning Office Findings**

The Planning Office finds the proposal to be generally consistent with Section 17-5 "General Purposes" of the Towns Subdivision and Land Development regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) **Not in compliance** with the standards and provisions of the Town Zoning Ordinance therefore requiring a dimensional variance to have a structure (wind tower) with higher than the allowed height in a Business Park (BP) Zoning District.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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.
- 5) That the proposed development possesses adequate physical access to a public street.
- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increase flooding and soil erosion.

## **Planning Office Recommendation**

After conferring with the Technical Review Committee (TRC) and the Planning Board Solicitor, the Planning Office recommendation is to grant master plan approval with the following stipulations:

- 1) That the applicant shall receive a dimensional variance from the Zoning Board of Review (ZBR) to exceed the maximum structure height (90') in the BP Zoning District prior to preliminary approval.
- 2) That the Planning Board has determined the required area for the proposed use shall not exceed 10,000 square feet as advised by the applicant's engineer in accordance with Zoning Section 5.21.4.2 "Required area." Said area shall include any land area disturbance, as well as selective tree cutting, installation of the proposed wind tower and associated poles, wires and equipment.
- 3) That all exterior lighting associated with the tower shall be contained on site and directed away from and/or shielded from the abutting properties.
- 4) That a Soil and Sediment control plan shall be provided to the Building Official in conformance with Development Review Regulations Section 17-19(F) (1) "Erosion and sediment control plan required" at the time of applying for a building permit.
- 5) That the applicant shall provide proof of liability insurance in accordance with Zoning Section 5.21.5.10 prior to final approval
- 6) That the proposed use shall require a building permit to be issued and any such inspections as determined necessary by the Building Official in with Zoning Section 5.21.4.5.
- 7) That the applicant shall provide a bond to be held by the Building Official and to be maintained for the life of the project, prior to the issuance of a building permit in accordance with zoning section 5.21.14.4.
- 8) That the wind tower facility and equipment shall be surrounded by a six foot (6') high secure fence to prevent unauthorized access to the facility and equipment.
- 9) That the perimeter of the facility shall be landscaped with vegetation to enhance the aesthetics of the facility from the abutting parking area.
- 10) That the applicant shall develop an emergency response plan in consultation with, and to be approved by, the WW Fire Chief and WW Police Chief prior to final approval.
- 11) That a key access box shall be provided to allow access for emergency response personnel.

## Discussion

Mr. DiFiore read the exhibits into the record. Attorney Steve Brusini is representing. Mr. Appolonia asked why the height was listed at 278' and Mr. Carruolo explained that is the height relief for the Zoning Board, however Mr. DiFiore stated he listed 414' in his report which is the height of the turbine to the end of the blades. Mr. Brusini said he would amend the application to reflect 414'.

Michelle Carpenter of Wind Energy Development and Peter Arpin are present as well as Kevin Morin, PE and Hannah Marini. A background of the project was given, they also reviewed the energy and savings as well as the environmental benefits. Mr. Arpin thanked the Town for fully supporting solar and green efforts. He also stated the Business Park tenants work together on sustainability.

Hannah Marini of Wind Energy Development discussed the turbine itself and noted 55 decibels is the loudest sound it will produce, down to 45, but will not be audible because of Rt. 95. She also addressed the shadow flicker and stated none of the neighborhoods will be impacted. One residence will have a minimal amount of flickering but they are confident there will be no negative impact from the flickering.

Kevin Morin, PE of DiPrete Engineering noted this is a 10 acre parcel in the Business Park owned by Arpin Associates and the turbine will be located in the NE corner of the parking lot at Arpin. The area is fenced and they have received an insignificant alteration permit from RI DEM. The nearest structure is 325', which is the distance from the turbine to Arpin. The nearest property boundary is approximately 70' off the property line. It is 170' to the lot line and then an additional 30' to JP Murphy Highway. The fall zone will be right along the edge of Rt. 95 in the breakdown lane.

Mr. Appolonia asked about the setbacks and what the zoning code says and Mr. DiFiore said there is nothing specific, it is a new area we are entering into. Mr. Appolonia said we need to be concerned about safety, he has researched fall zones, ice throw, setbacks, etc. Mr. Barrette asked how the technology of the blades work with regard to ice and snow build up and was told the blades have sensors for the weight of the ice and snow and sensors if the blades are off balance. They won't start spinning again until they are balanced. You can also install heat into the blades to guarantee no ice throw. Mr. Barrette also asked if a wildlife study was done and was told that is more specific to wind farms not one turbine.

Mr. Brusini noted there is no liability on the Town and the lifespan of the turbine is at least 25 years or longer.

Mark DePasquale of Wind Energy Development is present along with Tao Peters, President of Vensys Energy Inc. Mr. Peters explained the technology in depth, each turbine has an internet monitor and can stop itself. They can be monitored online in Germany and the service team is located in North Kingstown, RI.

Mark DePasquale said there have been no complaints in NK once it was up and running. Mr. Appolonia asked about safety procedures and Mr. DePasquale said safety features are in effect for wind farms. He also noted the Warwick Fire Department received a grant to be trained for safety procedures for single turbines. Mr. Peters said they are 15 years ahead in Germany, he has seen an increase and decrease in setbacks. Each individual site has its own analysis and whether it's viable. They have had sites where the location is not viable as well.

Mr. Brusini asks that Mr. Morin be accepted as an expert in Engineering, Mr. DiFiore stated he has been accepted by other boards.

Motion to accept Mr. Morin as an expert in Engineering by Mr. Barrette, seconded by Mr. Gardosik. All in favor.

Henry DePietro of 6 Crudale Drive: He has a large investment in a communications system, will this interfere with a two-way radio system? Mr. Peters has not seen any issues with it, but will need more information to research and say whether there will be a problem or not. Mr. DiFiore stated the client will work with the abutter on this issue.

The Town Manager spoke about the three turbines purchased by the Town which are located in Western Coventry. He is confident in the product and the Town's insurance carrier reviewed all the liability issues. West Warwick will be the first 100% renewable electric community. The Town buildings, Schools, Civic Center and Wastewater Facility will have a combined savings of \$20 to \$40 million over time after debt service.

Bob Boyer commended the Town Manager for teaming with Coventry for the future of West Warwick. He also noted the setbacks are very important, he spoke with the NK residents, their biggest concerns were noise and flickering. NK has now put a moratorium on turbines.

Ex #8 is a submittal of the area from Google Earth by Mr. Boyer. He feels this should be tabled for further research, what benefit will the Town have? He was told none. Does it put the firefighters in danger if they have to respond to a fire? There is nowhere in WW these can be installed and meet the restrictions.

Mr. Brusini stated the ordinance says "the Town will promote" and they will provide additional information on the highway distance. The Warwick Fire Department has agreed to be first responders.

Devon Miles of Atlantis Comfort said 50 decibels is not as quiet as you think and the flicker is also a problem.

Carolyn Petreccia asked what is the proximity of the fall zone to the neighborhood? Mr. Appolonia said it is 750'. She said you can hear the noise from the Business Park now, there is no benefit to the Town, this is a private enterprise.

Mr. Boyer asked if the residents in NK receive a monthly stipend and Mr. Brusini said yes.

Henry DePietro said the decibels have to be compared apples to apples, Mr. Carruolo said the decibels are listed at 35 at the area of the neighborhood. The Town Manager said he and the Town Council went on a site visit to the NK turbine and the Planning Board can do the same.

Mr. Carruolo read the planning recommendations into the record along with the stipulations and Mr. Brusini said WED agrees with the recommendations and the stipulations.

Mr. Carruolo noted the Green Ordinance can be improved, however this is an area of zoning that's still developing, the Town is waiting to see the State's final recommendations. Mr. DiFiore advised the Board they have the right to hire their own experts at the expense of the applicant.

Motion to approve with the recommendations and stipulations as read into the record by the Town Planner and review concerns of the Board by Mr. Barrette, seconded by Mr. Miller:

**Roll call vote:**

**Planning Board Vote**

Felix Appolonia	No
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes
Joshua Barrette (Alt.)	Yes

Motion carries. 5 minute recess.

**Item 3**

**Public Informational Meeting**

**175 Greenbush Road**

Applicant:	Bratt Brothers, LLC.
Location:	175 Greenbush Road
Assessor's Plat:	12-2
Lot(s):	20
Zoning District:	Residential R-10
Land Area:	40.12 acres
Number of lots:	1
Engineer:	Boyer Associates

The applicant is requesting approval to demolish an existing single family dwelling and construct a 130 unit multi-family residential condominium development on a 40 acre parcel zoned Residential R-10. The proposed development will require a Special Use Permit to be issued by

the Zoning Board of Review.

### **Planning Office Findings**

The Planning Office finds this proposal to be generally consistent with Section 17-5 “General Purposes” of the Towns Subdivision and Land Development regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the Town Zoning Ordinance, however also requiring a Special Use Permit (SUP) from the Zoning Board of Review (ZBR) to authorize multi-family dwellings in a Residential R-10 Zoning District.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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.
- 5) That the proposed development possesses adequate physical access to a public street.
- 6) That the proposed development provides for the safe circulation of pedestrian and vehicular traffic, adequate detention of surface water runoff, suitable building sites, and the preservation of natural, historical and cultural features; and
- 7) That the proposed development will not result in any increase flooding and soil erosion.

### **Planning Office Recommendation**

After conferring with the Technical Review Committee (TRC) and the Planning Board Solicitor, the Planning Office recommendation is to grant master plan approval with the following stipulations:

- 1) That the applicant shall receive a Special Use Permit (SUP) from the Zoning Board of Review (ZBR) authorizing a 130 unit residential condominium development prior to preliminary approval.
- 2) That a traffic study which shall result in no adverse impact on the surrounding neighborhood and no degradation in the existing traffic in the area shall be performed by a Registered Professional Engineer prior to preliminary approval.
- 3) That the proposed development shall provide a landscaped burm planted with evergreen trees in proximity to abutting lot 234 to provide additional screening for the abutting residential dwelling located at 179 Greenbush Road.

- 4) That the applicant shall provide additional parking areas located throughout the development to accommodate visitor parking.
- 5) That the four (4) units proposed along the westerly side of the development and adjacent to Greenbush Road shall provide adequate provisions for the safe maneuver of fire and rescue apparatus to be approved by the West Warwick Fire Department prior to preliminary approval.
- 6) That a sufficient number of fire hydrants shall be located within the development and there shall be no greater distance than 1000' between hydrants to be approved by the West Warwick Fire department prior to preliminary approval.
- 7) That all development roadways shall provide a minimum twelve (12') foot travel lane for each lane of travel (total 24' roadway width for two-way traffic) and cul-de-sacs shall provide a minimum fifty (45') foot paved radius to allow for safe maneuver of fire and rescue apparatus.
- 8) That all exterior lighting shall be contained on site and directed away from and/or shielded from the abutting residential properties.
- 9) That should it be determined that blasting is required, that a detailed blasting plan which shall be developed and stamped by a Registered Professional Engineer shall be approved by the Planning Board after a review and recommendations from the Town Engineer, Fire Marshal and Building Official.
- 10) That a Soil and Sediment control plan shall be required at preliminary approval in conformance with Development Review Regulations Section 17-18(F) (1) "Erosion and sediment control plan required."
- 11) That the applicant shall provide an excavation/construction plan, which may be combined with the Soil and Sediment control plan, designed to mitigate the impact of construction on the abutting residents which shall include but not be limited to, construction access, best practices for dust control and vibration and hours of operation; said plan shall be approved by the Town Engineer prior to preliminary approval.
- 12) That a landscape plan designed by a RI Registered Landscape Architect shall be required prior to preliminary approval.
- 13) That all utility connections including but not limited to the West Warwick Sewer Authority and the Kent County Water Authority shall be approved prior to preliminary approval.
- 14) That all necessary State of Rhode Island permits including but not limited to RIDEM Wetland permit and RIDEM Underground Injection Control (UIC) permit shall be

issued prior to preliminary approval and any Blasting Permits (if necessary) shall be issued prior to final approval.

- 15) That the proposed development shall not receive any Town of West Warwick trash hauling services, snow plowing, roadway maintenance, drainage maintenance and other similar services and said stipulation shall be included on all sites plans, within the deeds to the property and within the condominium declaration documents prior to final approval.
- 16) That a conservation easement shall be issued to the Town of West Warwick or an alternate environmental protection group for the undeveloped land contained within the designated RIDEM wetland.
- 17) That the developer shall be required to provide a fee-in-lieu of land dedication equal to \$2,500.00 per dwelling unit as prescribed in the Land Development Regulations Section 17-21 "Dedication of Public Land."
- 18) That the Condominium Association documents and by-laws shall be approved by the Legal Counsel for Planning and Zoning prior to final approval.

### **Discussion**

Mr. DiFiore read the exhibits into the record. This is conceptual, they would then go to Zoning, then back to Planning for Master Plan if approved at the Zoning Board.

Tom Cronin is the attorney representing. Matteson Ridge is a 39.4 acre parcel (27 acres buildable) in an R10 zone, the proposal is for 130 condominium units (150 allowed), they will be single story on a slab, 4 units per building, some with 2 units. Two bedrooms, single car garage and driveway, 26' paved roadway, privately owned and maintained. Wetlands will be re-flagged, no variances are required, however a Special Use Permit is needed from the Zoning Board.

Amy Archer from Pare Corp in Lincoln, RI said 2 traffic studies were done and she reviewed the data from them. Mr. DiFiore added Ex #8, a report from the school department. Mr. Boyer reviewed the cost to the Town of single family homes vs condo's. He also noted they will install a buffer along the Salvus property.

There will be no sidewalks, the wetland is pristine, other areas of the wetland is dry and walkable. There will be a gazebo at the entrance, mailboxes and underground utilities. Mr. Carruolo said one of the recommendations is for additional visitor parking.

Carolyn Petreccia, 27 Nicole Dr: She is the owner of ReMax Advantage Real Estate, she is very protective of Ward 5. She said there are 7 condo developments in Ward 5, condo people are a different breed, it is a win-win situation for WW.

Robert Lally, 75 Nottingham Dr: Been there 38 years, traffic is horrendous. Greenbush Rd. is very narrow, have to stop if a school bus is coming toward you. Multi-family will affect his home value, ledge is on the property and there may be blasting, he is totally against the project.

Carolyn Petreccia noted the Esmond St. townhouses are selling for \$240K.

Mark Fleury, 16 Nottingham Dr: Will there be a function area in addition to the Gazebo or just that and the mailboxes. He also asked if the developers are the contractors as well and Mr. Boyer said no, they have spoken to 4 contractors but they will stay with the project through completion. They want trees to remain, there will be no clear cutting.

Zak Asatryan, 68 Nottingham Dr: There is a storm culvert that runs down Maid Marion and this development is above that, where will the water go. The culvert overflows and goes through his backyard and the yard across the street from him. He also said there are not as many trees in the buffered area as depicted on the plan. The condo's in Ward 5 are either on the Turnpike or Rt. 2, not in the middle of a single family area. It is not customary or reasonable for the area.

Nick Marra, 12 Friar Tuck: Is there a way to guarantee these will be sold at \$250K? Mr. Cronin said no, it is against the law to discriminate on income.

An association and by-laws will be in place and all condo doc's must be approved by the Planning and Zoning Solicitor. Mr. Carruolo read a letter from Mr. Salvas into the record.

Motion to close the Public Hearing by Mr. Gardosik, seconded by Mr. Barrette. All in favor.

Mr. Carruolo read the planning recommendations and stipulations into the record.

Motion to approve with stipulations by Mr. Barrette, seconded by Mr. Petrarca. All in favor.

#### **Planning Board Vote**

Felix Appolonia	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes
Joshua Barrette (Alt.)	Yes

#### **Item 4**

#### **2016 Community Development Block Grant (CDBG) Application**

Certification to determine compliance of proposed activities with local development policy set forth in the local Comprehensive Community Plan and with local development ordinances and regulations.

Motion to approve by Mr. Barrette, seconded by Mr. Gardosik. All in favor.

**Planning Board Vote**

Felix Appolonia	Yes
Joe Gardosik	Yes
Anthony Petrarca	Yes
Wayne Miller	Yes
Joshua Barrette (Alt.)	Yes

**Item 5**  
**Public Comment**

None.

Motion to adjourn at 10:00 pm by Mr. Gardosik, seconded by Mr. Barrette. All in favor.