

**TOWN OF HOPKINTON
PLANNING BOARD**

Wednesday, April 2, 2008

**HOPKINTON TOWN HALL
ONE TOWN HOUSE ROAD
HOPKINTON, RI 02833
7:00 P.M.**

CALL TO ORDER

The April 2, 2008 meeting of the Hopkinton Planning Board was called to order by Chairman Al DiOrio at 7:08 P.M.

ATTENDANCE

Board members present: Al DiOrio, Howard Walker, Ray Cox, and Hazel Douthitt.
Also present: James Lamphere, Town Planner; Scott Levesque, Town Solicitor; and, Harvey Buford, Conservation Commission.

APPROVAL OF MINUTES

MR. WALKER MOVED TO APPROVE THE MINUTES OF THE MARCH 5, 2008 MEETING AS CORRECTED.

MS. DOUTHITT SECONDED THE MOTION.

ALL APPROVE. MOTION PASSES.

OLD BUSINESS

Mr. DiOrio recuses. Mr. Walker takes the Chair.

Administrative Subdivision (con't.) – Ashville Corporation, Plat 14 – Lots 27H, 27I, 27J, Canonchet Road. Ashville Corporation, applicant.

Richard Pinkover of Addison Realty represented the applicant.

Mr. Pinkover said a new mapping has been submitted that shows the subject lots are lots of record.

Mr. Lamphere said the lots adequately reflect what is in the deeds.

Mr. Walker said the issue was not whether these were lots of record; the question was whether they were substandard lots that were merged under the merger provision of the Zoning Ordinance. Since the last meeting, the record has been supplemented by information from the deeds indicating that these lots, which were always shown on the map as being conforming as to road frontage, are also conforming as to area. That being the case, and the map being amended accordingly, the record properly reflects that these are legal conforming lots, thus removing that issue.

Mr. Pinkover asked that the application be approved as an Administrative Subdivision with the contingencies that were put on it at the last session: bring the road up to Mr. Bader's specs to include a gravel drive as conforming to a family compound and, the culvert satisfies DEM as to weight.

2 Mr. Bader added to carry 58,000 pounds with a hammerhead and twenty foot wide roads
to keep in line with residential compound requirements.

4 Mr. Buford asked where the hammerhead would be.

6 Mr. Bader said the hammerhead should be at the last drive to Lot 27H.

8 Mr. Levesque said in the memo from Mr. Ward, Building and Zoning Official, he wants
10 the recorded plan to indicate the access to the dwellings on the existing gravel road will
be maintained by the residents.

12 Mr. Walker called for Ms. Douthitt or Mr. Cox to make the following motion:

14 THAT WE APPROVE THE ADMINISTRATIVE SUBDIVISION PLAN
SUBMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

16 1) THAT THE EXSISTING GRAVEL DRIVE BE UPGRADED TO
RESIDENTIAL COMPOUND STANDARDS WITH THE IMPROVEMENTS
18 SUGGESTED BY THE FIRE MARSHALL AND WITH THE DRIVEWAY SERVING
LOTS 27H AND 27I CONSTRUCTED TO COMMON SHARED DRIVEWAY
STANDARDS; ALSO, THE CULVERT NEAR CANONCHET ROAD WILL BE
20 UPGRADED TO BE TWENTY FEET WIDE AND TO HAVE AN ENGINEERED
CAPACITY OF 58,000 POUNDS; THERE WILL ALSO BE A TURNAROUND
22 HAMMERHEAD INSTALLED AT THE LAST DRIVE TO LOT 27H FOR PURPOSES
OF EMERGENCY VEHICLES;

24 2) A NOTATION BE PLACE ON THE FINAL PLANS AND IN THE DEEDS OUT
FROM THE DEVELOPER TO THE PURCHASERS OF THE LOTS THAT THE
26 PRIVATE ROAD IS TO BE MAINTAINED BY THE RESIDENTS AND THAT THE
TOWN IS UNDER NO OBLIGATION TO MAINTAIN OR UPGRADE THE ROAD
28 NOW OR AT ANY TIME IN THE FUTURE.

30 THE PROPOSED APPROVAL IS BASED ON THE FOLLOWING FINDINGS OF
FACT:

- 32 1) THE ADMINISTRATIVE SUBDIVISION, AS APPROVED, WILL BE
CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN;
- 34 2) COMPLIES WITH THE STANDARDS AND CONDITIONS OF THE ZONING
ORDINANCE;
- 36 3) WILL CAUSE NO SIGNIFICANT ENVIRONMENTAL IMPACTS IF BUILT
AS SHOWN ON THE PLANS WITH THE REQUIRED CONDITIONS;
- 38 4) WILL NOT RESULT IN THE CREATION OF ANY NEW LOTS;
- 40 5) HAS ADEQUATE AND PERMANENT AND PHYSICAL ACCESS TO A
PUBLIC STREET, NAMELY CANONCHET ROAD;
- 42 6) PROVIDES FOR SAFE CIRCULATION OF PEDESTRIAN AND VEHICULAR
TRAFFIC, FOR APPROPRIATE SURFACE WATER RUN-OFF CONTROL AND
44 FOR PRESERVATION OF NATURAL FEATURES.

46 MS. DOUTHITT SO MOVES. MR. COX SECONDED THE MOTION.
MR. WALKER, MR. COX AND MS. DOUTHITT VOTE IN FAVOR OF THE
48 MOTION. MOTION PASSES.

50 *Ms.Douthitt recuses and Mr. DiOrio returns to resume Chair.*

52 **Final – 3 Lot Residential Compound – Cedar Hill Farm, Plat 11 - Lot 44,
Woodville-Alton Road. David W. Moore, Sr. & Linda I. Moore, applicants.**

54 Richard Greene of Richard Greene & Associates represented the applicant. Also present
were David Moore, Sr., and Mr. and Mrs. David Moore, Jr.

2 Mr. Greene said the last time the application was before the Board, they received
3 Preliminary approval subject to various items, one being that the Fire District Chief
4 approves the plan in writing. They were to come back before the Board for Final
5 approval if there were any changes. The Fire Chief has submitted a letter to Mr.
6 Lamphere, relative to the changes made on the plan. Sheet 3 shows the hammerhead
7 turnaround which is part of the driveway system for David Jr.'s lot which was approved
8 by Captain Bader. Sheet 1 has an added note that the owner of Lot 2 agrees to construct
9 the hammerhead turnaround with said construction and maintenance. Lot 2 would have a
10 deeded restrictive covenant attached to it that the owner of the lot would continue to
11 maintain the hammerhead. There were legal questions regarding documentation.
12 Attorney Charles Soloveitzik has indicated that the Town Solicitor has reviewed those
13 documents with changes. The Cedar Hill Farm Homeowners' Association By-Laws had
14 no changes. The Residential Compound Agreement for deed restrictions had some minor
15 changes. The Residential Compound Agreement needs to be signed and notarized by the
16 owners and the Planning Board Chair to record.

17 Mr. DiOrio asked for a brief summary of changes made.

18 Mr. Levesque said the former deed restriction referred to open space and there will be no
19 open space in the project so it was removed. The title was also changed from Residential
20 Compound Agreement to Residential Compound Agreement for Deed Restrictions.

21 Mr. Greene said they are requesting the Board grant Final approval.

22 Mr. DiOrio asked for the sequence of the construction of the hammerhead specifically
23 with regard to Captain Bader's comment tying it to the building permit on Lot 2.

24 Mr. Greene said the hammerhead is to be constructed at the time of the issuance of the
25 building permit.

26 Mr. DiOrio commented that there is an existing residence on the upper lot so the
27 hammerhead is of no benefit to that lot.

28 Mr. Greene said Mr. Bader has indicated that the distance from the hammerhead to the
29 existing house is adequate to run a hose to, if needed. They can also drive up to the
30 farmhouse.

31 MR. COX MOVED TO ACCEPT THE FINAL SUBMISSION.
32 MR WALKER SECONDED THE MOTION.
33 MESSRS. DIORIO, COX AND WALKER APPROVE THE MOTION.
34 MOTION PASSES.

35 *Ms. Douthitt returns. Mr. DiOrio recuses and Mr. Walker again takes the Chair.*

36 **Amendment to Approved Site Plan – Hopkinton Industrial Park, Plat 4 – Lot 9,**
37 **Gray Lane & Wellstown Road. Hopkinton Industrial Park, applicant.**

38 Attorney George Comolli represented the applicant. Ray Quinlan and Lydia Teixeira of
39 Hopkinton Industrial Park were also present.

40 Mr. Comolli said they are asking for a minor change of the previously approved plan.
41 Phase I will replace the underground fabri tank or bladder tank with an above ground tank

2 with the pipe going out to the road. That is a change in the handling of the water supply
4 for fire suppression and potable water for the factory only. Phase II shows pipes running
6 up to the Trombino and Renova property for fire suppression. Phase II will require a
8 public hearing, a joint application by all three parties and town and state involvement.
10 Phase III would be a potable water supply for the entire industrial area by bringing water
12 up to a large tower and having it gravity fed to the other industrial sites. Phase III will
14 also require a public hearing, notice to all abutting property owners, and involvement
16 with DEM, DOT, DOH, town and property owners that would be serviced by this water.
18 The applicant has a letter from the Zoning Official that Phase I is in conformance with
20 the zoning regulations. There is a recommendation from the Town Planner that he
22 concurs that this is a minor modification. If they were to proceed with Phase II, and
24 subsequently Phase III, each would require additional applications, additional state
26 involvement, public notice and a public hearing.

16 Mr. Walker asked exactly what they would be doing in Phase I and would assume it
18 would include the tower.

18 Mr. Comolli said Phase I is a tank in the same location as the former bladder.

20 Mr. Walker commented that the tank is 38 feet wide and 32 feet tall.

22 Mr. Comolli added which would be next to and smaller than the building.

24 Mr. Walker asked if Phase I included the construction of the tank and the water treatment
26 area.

28 Mr. Comolli said it would be the tank and the small building containing the pump that
30 would pump water into the building in case of fire. It is a pressurized system. It would
32 have been the same with the bladder system.

32 Ms. Douthitt asked if the [pump] building would have been there with the bladder.

34 Mr. Comolli said the tank will be in the exact location as the bladder, but will not take as
36 much space as the bladder. It could ultimately have alternative uses but is only designed
38 for the factory at the present time.

38 Ms. Douthitt asked if the pumping building has changed.

40 Mr. Comolli said the pumping system has to be there and is the same as it was with the
42 bladder.

42 Mr. Buford asked if it will be a cylindrical tank and the color.

44 Mr. Quinlan responded that it will be a darker green. As approved, the bladder came
46 above ground six feet for gravity feed for the fire pumps. Their system with the tank is
48 early suppression rapid response because of the sensitivity of the aquifer. In the early
50 design they considered only the building system, but the [Fire] Chief wanted hydrants.
The new system supplies the building with 1300 gallons per minute and 500 gallons per
minute for each hydrant which would be adequate for the absolute worst case scenario.
They went from the largest bladder to the tank for fire protection. The pumping system
remains the same.

2 Ms. Douthitt asked what the advantage is of having it above ground.

4 Mr. Quinlan responded for capacity.

6 Mr. Walker asked what the original design capability for the bladder was.

8 Mr. Quinlan responded, maybe 165,000.

10 Mr. Walker said he has difficulty in conceiving of this proposed change as being minor
12 with the Board granting approval without public notice and an opportunity for the public
14 to be heard. The applicant is changing from an underground bladder that was for fire
16 suppression only with little or no visual impact to the property or the surrounding area, to
18 an above ground tank that is 32 feet high. There are no elevation drawings showing the
20 relationship of the proposed tank to the building. The drawings leaving out those details
22 say that that omission is for purposes of clarity. He finds the omission more confusing
24 than clarifying. He said it is obvious that this tank is a tall and rather imposing structure
26 and would like to see something that shows what the visual impact of this tank would be.
28 Mr. Walker continued, it is obvious from the submission that the purpose of this tank is
30 not only or necessarily for fire suppression; it is designed and intended clearly to be a
32 public water source, not only for servicing this particular site and property but intended
also for what is likely a commercial enterprise providing water to adjoining properties,
which probably is entirely appropriate. The agenda states this as an amendment to the
approved site plan with nothing mentioned of what the change is and what public interest
there might be. Not only will this have a large visual impact, but the drawings clearly
show that there will be some fairly large tanks in this building holding sodium
hypochlorite which is bleach. There is no indication as to what the capacity of those
tanks would be or what the concentration of the sodium hypochlorite would be. He
understands that before the applicant returns for approvals of that, they would need some
other state approvals and have a public hearing. He would like a public hearing for the
whole thing, which could be done expeditiously so as not to cause any inordinate delay of
the project, while giving the public its due.

34 Mr. Comolli said the building that is proposed is three stories or approximately 40 feet
36 high. The tank is much less than that. The building can not be seen from Route 3, and is
38 not visible from any view, even in the winter. Phase II and Phase III are not realities at
40 present. They would take joint application by Trombino and Renova. Phase II and Phase
42 III may never become a reality but is something the town has desired they address. He
believes this is a minor change, but if the Board does not, they can return, give notice and
will give a rendering showing this tank is much less. He will give photographs from all
four corners showing that you can not see that factory at any time of year as currently
constructed. All they are doing now is taking a bladder system and converting it to this
tank which is only for fire suppression of this factory.

44 Mr. Quinlan said the system is designed and has been tested so that there is no use of
46 chlorine as treatment for the water. They will be filtering magnesium and iron. There are
three wells on the property.

48 Mr. Walker said the plans clearly show a water purification facility with tanks labeled
50 sodium hypochlorite.

Mr. Comolli said that would only be if Phase III is implemented. The request was from

2 the neighboring property owners. There is no need to do that now.

4 Mr. Walker asked if applications are pending before the state for any other uses at this time, such as for a public water supply.

6 Mr. Comolli responded that there are but only for water supply for this particular building which has been approved.

8 Mr. Cox said he has spoken to Chief Williams who is pleased with the plan but
10 questioned how many gallons would be pumped into this tank.

12 Mr. Quinlan said they have two wells that will feed the tank. Another well is into the
14 building that they will use to bottle water. They took one pump test in the wetlands, in a
16 modified drought condition, towards the end of last year. They pumped for what he
18 believes was six days; one well started at fourteen feet with the deepest at 240 feet. They
20 have no idea what they can take out of the well but started at fourteen feet and went to
22 eleven feet in six days, or 500,000 to 600,000 gallons of water. When the generator
went out at night, it recovered in 57 minutes. According to Northeast Water Solutions if
they had to select a well site for quantity and quality in the state of Rhode Island, they
would put a pin in the southwest corner of their property. Phases II and III are conceptual
only.

24 Mr. Cox said he is very pleased with this type of tank and that it can be camouflaged.

26 Mr. Quinlan said that if you were talking about 100 room hotels and restaurants, the
28 water would have to be gravity fed. They would have to pump over one million gallons
of water to the tower. That is in discussion but has nothing to do with this at this time.

30 Ms. Douthitt questioned why it had to be above ground and not in the ground.

32 Mr. Quinlan said there is a limitation to the size of the bladder that they can put in the
34 ground. Originally the design was for the building system. Now, the [Fire] Chief wants
three hydrants around the building that would take 500 gallons per minute, and he would
like a hydrant on the street. Pressure to the head and pump is one issue but to get the
rapid response they need to get one hundred gallons per minute out to each of the thirteen
heads is another issue. They would like to have Greene Plastics move in by July and
moving their medical division in by mid-August.

38 Mr. Buford asked if Greene Plastic needs to come before the Planning Board for any
40 permits.

42 Mr. Comolli said they met all their requirements for the aquifer permit; their use was
44 benign and fell within all the categories. The Conservation Commission and the Planning
Board said if any of the uses change, and it fell within the use table of the aquifer permit,
46 they would have to go before the Zoning Inspector and the Planner who would submit a
letter to the Planning Board. If it goes outside any of those uses, they would definitely
48 have to return.

50 Mr. Buford asked if Greene Plastics has a certificate from the Zoning Official saying
what their use category is.

2 Mr. Comolli said not at this time. Greene Plastics will be using storage space for plastic
products; there will be no manufacturing, placing it in the warehousing category.

4 Mr. Levesque asked if this application was here for a recommendation or for a change
from minor.

6 Mr. Lamphere responded, a recommendation. It is the Board's responsibility to see if
8 this is a minor or major change. He asked Mr. Quinlan, regarding the initial bladder
system that was approved; if he has found subsequent to that that that bladder system
10 does not meet the needs of his factory with regard to fire suppression.

12 Mr. Quinlan said the bladder would meet the needs for just the factory but not for the
hydrants. The system delivers water at 135 psi. The bladder could not do hydrants based
14 on the new requirements of the Fire Chief.

16 Mr. Lamphere asked if they were going to move to the tank just to serve the onsite needs
that have arisen during the review process with the Fire Chief.

18 Mr. Quinlan responded that they have. They are still in the process of recalculating the
20 pump. He is sure the pumps they put down the well will be much bigger than the ones
used for the initial pump test. The permit that they have applied for for the building is for
22 50,000 gallons per day but they have the capacity to do in excess of one million gallons
per day.

24 Ms. Douthitt said then it is a combination of the inside fire requirements added to the new
26 outside fire hydrant requirements which brought on this change of wanting a tank to be
above ground to bring in more water and more power for more efficient fire fighting.

28 Mr. Walker said the focus before us is if this is a minor change, not whether the proposal
30 for a tank is a good idea or not, but whether this is a minor change to the system that was
approved by the Planning Board, or, is it a change that is significant enough to require
32 public notice and a public hearing before this Board can properly entertain the merits of
the proposal. He does not see this as minor and the more he hears, the more it seems like
34 it is a significant change from the design of the system as originally presented. Not only
is it visually different, but it is going from a system whose initial purpose was to supply
36 fire suppression inside this factory, to one that is essentially becoming a source of a
public fire fighting system that will service not only this factory and this property, but
38 also neighboring properties, which almost takes it into the area of a different use. He sees
the need for public notice.

40 Mr. Quinlan replied they have approval for a 290,000 square feet building. This is 38
42 feet wide, 39 feet high and he sees this as a minor change. He added, this can not be the
public water system for the intersection.

44 Mr. Walker said he is not suggesting that it is or that it could be.

46 Mr. Quinlan said that when the proposal comes for the public water system, it will be a
48 million plus gallon tank; it will be a substantial system.

50 Mr. Cox asked if the hydrants would eventually go on the public water system.

2 Mr. Quinlan said the hydrants are on the system right now. If it goes to Rando's
[property] it would be a tank on the hill, a gravity fed tank.

4 Mr. Comolli explained that that would be Phase III, the public water system. Phase I,
which is before the Board tonight, is the tank, the four hydrants around the factory.

6 Mr. Cox asked if we get to Phase III, these hydrants will be on this [public water supply]
8 for pressure.

10 Mr. Comolli said the water would come from the hill.

12 Mr. Quinlan said all they would do is supply the system, eventually.

14 Mr. Cox said then he would consider this minor. He doesn't have a problem with
changing from a bladder to a tank.

16 Mr. Walker said the solicitor has reminded him that if this is a major change it would
18 be changes that are contrary to any applicable provision of the Zoning Ordinance or
which requires a variance or special use permit from the Zoning Board of Review, or,
20 changes which may have significant negative impacts on abutting property or property in
the vicinity of the project. He doubts the proposal would have a negative impact. He
22 suspects that it is probably a good thing that would meet with the Board's approval. The
question is giving property owners in the vicinity an opportunity to address the issue and
24 whether the Board can approve it tonight or whether it is more appropriately the subject
of a public hearing. He believes it is more appropriately the subject of a public hearing
26 which should be done expeditiously.

28 Mr. Lamphere said it could be heard at the May 7 meeting and has time to be advertised
and noticed.

30 Ms. Douthitt said it is best to cover all bases.

32 Mr. Walker emphasized that this is a substantial structure, and that there is also a lot
34 shown on the plans that are a matter of public record concerning what the applicant has
hired engineers to design which includes a system for water purification. The tank itself
36 is labeled as potable water, not just fire suppression water. Obviously, in the works here
is something more significant than a tank for fire suppression for this one property. He
38 continued that they owe it to the public that they serve to allow them to have notice and
an opportunity for input.

40 Ms. Douthitt said she agrees with Mr. Walker that the public should know since even the
42 hydrants are new.

44 Mr. Comolli would like this application to be continued to the May 7 meeting for a public
hearing.

46 MS. DOUTHITT MOVED TO CONTINUE TO MAY 7 FOR A PUBLIC HEARING.

48 MR. COX SECONDED THE MOTION.

MS. DOUTHITT, MR. WALKER AND MR. COX APPROVE.

50 MOTION PASSES.

Mr. DiOrio returns to the Chair.

2
3 **NEW BUSINESS**

4 **Administrative Subdivision – LaMountain, Plat 28- Lots 16C & 19A, Fairview**
5 **Avenue. Joseph T. & Earl E. LaMountain, applicants.**

6 Richard Greene of Richard Greene & Associates represented the applicants.

8 Mr. Greene said the LaMountains reside at Lot 16C which is 3.26 acres. They would like
9 to add land to the substandard Lot 19A from Lot 16C which will double the size of Lot
10 19A. There originally was a cottage on the property. He presented the Board with a map
11 from Dr. O'Connor (Applicant's Exhibit 1) that indicates the house that burned. They
12 want to increase Lot 16C, a nonconforming lot, for a cottage in the future. Access is by a
13 deeded 25 foot right of way known as Kreyssig Drive. There is a house on Lot 21. Lot
14 19 has a storage shed. Lot 19 is owned by Mrs. LaMountain and Lot 19A is owned by
15 Mr. LaMountain and the large tract, Lot 16C, is owned by them jointly. A well and a
16 septic went with the cottage in 1995. There are the sensitive issues of Locustville Pond
17 to the west and Mr. Corrigan's pond. They are not creating any additional lots. There is
18 no negative impact with variances necessary. Mr. Lamphere has been given the deed
19 (Applicant's Exhibit 2) with the 25 foot right of way. The lots were platted in 1957 at
20 which time A was Lot 19 and B was Lot 19A. The lots have always been separate
21 entities. They are not here tonight to say that Lot 19A is a buildable entity but to request
22 that land be added to Lot 19A.

24 Mr. Buford asked why they are merging now if it may not help and not when ready to
25 build a house.

26 Mr. Greene responded that if they want to pursue buildability, they would want that extra
27 parcel of land to be part of Lot 19A to make a more environmentally safe lot.

30 Ms. Douthitt asked when the house burned.

32 Mr. Greene said he was there in 1995, the house was standing.

34 Mr. Cox asked if the gravel road is a dead end up to there.

36 Mr. Greene said that Dr. O'Connor drove a car into the property, but if a house was
37 proposed, from Mr. Bader's perspective, it may be necessary to upgrade that drive with a
38 gravel base, etc.

40 Mr. Cox said you would have to have a hammerhead in there, too.

42 Mr. Greene said this is an existing platted condition, with not much that can be done to it
43 without improving the 25 foot right-of-way that is deeded to the lot.

44 Mr. DiOrio asked if we are accepting the deed with the right-of-way as evidence of
45 adequate and permanent legal access.

48 Mr. Lamphere said that for purposes of this administrative subdivision he is not
49 concerned with that at this point. Brad Ward, Building and Zoning Official, confers with
50 the Fire Marshall on every building permit, who makes recommendations. Therefore, he
sees adequate safeguards down the line for access issues.

2 Mr. DiOrio he is not concerned with physical access but with legal access to the lot.

4 Mr. Greene said legal access is noted on the plan by deeds.

6 Mr. Walker said he sees the only issue as whether they permit land from a conforming lot
8 be added to a nonconforming lot to make it less nonconforming. The policy of the town
is to minimize and reduce nonconformity. This can only improve the existing situation
provided there is legal access.

10 Mr. Lamphere asked Mr. Greene to confirm whether the lots are in an R-1 zone rather
12 than a RFR-80 zone.

14 MR. WALKER MOVED APPROVAL OF THE APPLICATION AND REMAND TO THE
PLANNER TO TAKE THE FINAL ACTION.

16 MR. COX SECONDED THE MOTION.

18 MESSRS. COX, DIORIO, WALKER AND MS. DOUTHITT APPROVED THE MOTION.
MOTION PASSES.

20 **PLANNER'S REPORT**

22 **◆ Administrative Business**

24 The Affordable Housing Partnership Meeting did not occur last evening due to lack
26 of a quorum.

28 The Ad Hoc Committee for Exit One will resume review of the documents on April
30 22 and again on April 29. Both meetings will be at 7:00 P.M. at the Police Station.
32 All documents have everyone's comments relating to guidelines and Subdivision
34 Regulations. There should be something ready to be reviewed by the Solicitor and by
36 the Zoning Officer by the end of May.

38 The Board was given a sheet that compares administrative fees among towns in the
40 area. There are areas where we may be able to increase our fees. Mr. Lamphere said
42 he would like a recommendation from Mr. Levesque as to whether the fees can be
44 changed without amending the Subdivision Regulations through a formal process of
46 advertising. He would also be interested in knowing whether the checklists can be
changed without going through the formal process as well. An example would be
electronic submissions supplied by the applicant in digital form so that these can be
accurately put into our parcel mapping. Mr. Lamphere said he would like to bring the
issue of fees back before the Board next month as well as question the Board as to
how we review commercial projects going forward. The town has generally done
commercial projects as Major Land Development while he is accustomed to doing
them as Development Plan Review which is in our Code of Ordinances. He would
like to compare the merits of going either way with the review. He added that the
fees associated with Development Plan Review can be exorbitant, especially on a
major project. As Mr. Cox said, we want to get an appropriate fee without
discouraging this type of development.

48 Mr. Walker questioned if there was any distinction between Development Plan
Review and Major Land Development.

50 Mr. Lamphere responded, Major Land Development goes through Pre-application,
Master Plan, Preliminary Plan and Final Plan which can take a lot longer than

2 Development Plan Review which is a separate ordinance contained in our Code of
Ordinances and basically applies to all development not classified as a single family
4 residence or a duplex. In the past, he has done virtually all commercial projects as
Development Plan Review. He has not noticed any provisions in our Development
6 Plan Review for notice. He added that a PUD, which is in our Code of Ordinances as
well, specifies that it will go through our Development Review Process.

8 Mr. Levesque said he will confer with Mr. Lamphere before the next meeting.

10 Mr. DiOrio suggested a discussion of fees and Major vs. Development Plan Review
be included as a line item on the next agenda.

12 **◆ CDBG**

14 Mr. Lamphere reviewed the ten proposed activities which he said were not in conflict
with the Comprehensive Plan. This will next go to the Town Council for a public
16 hearing on the application and rank the activities.

18 MR. WALKER MOVED TO ACT ON THE 2008 COMMUNITY DEVELOPMENT
BLOCK GRANT APPLICATION.

20 MS. DOUTHITT SECONDED THE MOTION.
22 ALL APPROVE. MOTION PASSES.

24 **◆ Discussion – Hydrologic Consultant**

Mr. Levesque said we now take hydrologic conditions on a case by cases basis. If the
26 Board wants to require a hydrologist's report with every application, it may require
Council action.

28 Ms. Douthitt asked if any other towns in the state have this as a requirement.

30 Mr. Lamphere said not to the extent that the Board was considering; most other towns
have proof of water, after the fact, as an example, before a CO is issued.

32 Ms. Douthitt said it is hard to find good land to develop with good water, so it is
34 getting to be a priority. There might be a time when people will have to share wells.

36 Mr. Lamphere said it could eventually be an embarrassing situation if an application
is approved and they are not able to find adequate water supply. From a legal
38 standpoint, what bearing does an existing water supply have on someone who owns
the property and wants to subdivide? There is a legal mechanism in place with the
40 Town to do the subdivision. What is the relationship between whether there is water
there or not to cut my land up? He continued, it is almost like the buildability issue.
42 If later down the road, I don't have water, that is my tough luck, but I may still want
to subdivide my property. Would the town be able to legally prevent someone from
44 doing that?

46 Mr. DiOrio said his concern is to make sure the town is not in a precarious position
when it approves a subdivision where there is no water. His job is to protect the
48 interest of the municipality, not to prevent someone from developing their property.
He doesn't want to see someone passing along a bad apple if that can be determined
50 early in the game.

2 Mr. Lamphere suggested the Board consider how many instances have we had of a
subdivision not getting water for their home, and are there any known problem areas
4 in town where you can't get potable water.

6 Ms. Douthitt said we are coming into that area where the places with the good water
are getting used up.

8 Mr. Walker commented that the US Geological Survey must have a study of aquifer
10 maps.

12 Mr. Buford said that the DOH is working on private well water and works with the
towns' building officials. He will reach out to those departments to see what is
14 available and to see if it is readily accepted in the field. He thinks this should be kept
on the agenda for May.

16 **◆ Electronic Submissions – Digital Copies**

18 Mr. Lamphere said the GIS department would like digital copies of subdivisions.

20 Mr. DiOrio commented that there are copyright issues.

22 Mr. Lamphere said they are asking only for what is given in paper form.

24 Mr. DiOrio said South Kingstown asks for it as a stick figure only, not including
dimensions. The policy should say just shapes. There is a lot more on a plan and
26 data that could be manipulated.

28 Mr. Lamphere said he can ask Ms. Benda-Joubert to come to a meeting to clarify
what is needed and to make a policy.

30 **CORRESPONDENCE & UPDATES**

32 **◆** Mr. Buford said he attended the Zoning meeting for the Ashaway RV Park. The
applicant said they do not need an aquifer protection permit as they claim they are
34 not in an aquifer protection zone. Mr. Buford said that in reality, they are 95% in the
aquifer protection zone. He suggested certification from the Zoning Official of
whether a permit is required.

36 **◆** Mr. Levesque said the Residential Compound amendment was give to Council
38 President Cordone. The Board said they would like to have a joint meeting with the
Council to review the amendment.

40 **PUBLIC COMMENT:**

42 **◆** Pat Fontes said she is concerned with large scale water projects and asked if it is a
44 problem; will it reduce water; who will be responsible?

46 Mr. DiOrio responded that large scale extraction is handled by DEM as a permissible
activity, meaning one must procure a permit.

48 **DATE OF NEXT REGULAR MEETING:** May 7, 2008

50 **ADJOURNMENT**

MR. WALKER MOVED TO ADJOURN THE MEETING.

MS. DOUTHITT SECONDED THE MOTION. ALL APPROVE.

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Meeting adjourns at 9:25 P.M.

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Attest: _____

Lynda St. Amour
Planning Board Clerk

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Approved: _____