

2 **TOWN OF HOPKINTON PLANNING BOARD**

4 **Wednesday, June 5, 2013**

6 **Hopkinton Town Hall**

**One Town House Road**

8 **Hopkinton, Rhode Island 02833**

10 **CALL TO ORDER**

12 The June 5, 2013 regular meeting of the Hopkinton Planning Board was called to order by Acting Chairman, Howard Walker, at 7:00 p.m.

14 **ATTENDANCE**

Hazel Douthitt, Howard Walker, Carolyn J. Doyle, and Joseph Escher.

16 Also present were James Lamphere, Town Planner and Scott Levesque, Town Solicitor. Alfred DiOrio and Donald Simmons were not present.

18 **APPROVAL OF MINUTES: May 1, 2013 meeting**

20 MS. DOUTHITT MOVES TO ACCEPT THE MINUTES OF THE MAY 1, 2013 MEETING AS PRESENTED.

MS. DOYLE SECONDED THE MOTION.

22 MS. DOUTHITT AND DOYLE AND MESSRS. WALKER AND ESCHER APPROVE. MOTION PASSES.

24 **OLD BUSINESS: None**

26 **NEW BUSINESS**

**Discussion – Stormwater Management Plan – Presentation by Jim Riordan, Fuss and O’Neill.**

28 Mr. Riordan gave an overview of the plan, the project for the Town, and the requirements that DEM has for developing stormwater management plans for municipalities. DEM has established a program through RIPDES permitting a point source of discharge, which has been established through federal requirements, and requires each state to have a RIPDES plan. Hopkinton will be part of RIPDES Stormwater Phase II which regulates municipalities, industry, construction, development, and commercial enterprises. The municipal side has a general permit issued by DEM stating that the Town does not have to have an individual permit. The next general permit issuance will be out in the next few years. DEM had awarded Hopkinton a grant in 2001 which has remained dormant. This project is being done with the money available. Hopkinton will be regulated in the near term to meet state compliance.

38 Ms. Douthitt asked if management and regulations are complicated and expensive.

40 Mr. Riordan said for most municipalities to develop the plan that is required is \$15,000 to \$25,000. The grant from DEM was \$25,000. The implementation of the plan that takes place over five years, for most towns, is \$100,000 to \$200,000.

44 Ms. Douthitt asked if the government will give us all the money needed.

2 Mr. Riordan said no, but the Town will get a substantial amount. The plan is being developed  
4 under this grant as is a fair amount of the implementation. The Town will be left with  
6 implementation that can largely be done by the DPW. There are six minimum control measures  
8 within the regulations that are required and represent standards that a town has to meet to  
achieve compliance with the permit. There is a seventh major requirement for towns that have  
impaired waterbodies and have had a TMDL (total maximum daily load) developed, which is  
basically a watershed study.

10 Mr. Walker said the map shows almost all the significant waterbodies in town as being impaired.

12 Mr. Riordan said there are quite a number that they are checking to verify. TMDL covers the  
14 Wood-Pawcatuck River that brings in tributaries. A lot of waterbodies in Hopkinton showed up  
16 on the list. They do not feel it is from human contribution to stormwater and are checking to  
18 verify maps are accurate. The TMDL says if you have less than 10% of the land area within the  
watershed having impervious cover, there is no worry from a stormwater perspective. These  
waterbodies in Hopkinton are developed at much less than 10% impervious, and will not fall  
under the stormwater program.

20 Mr. Riordan continued: The six minimum measures are:

- 22 1) Public Education – Provide information regarding stormwater to the general public and to  
24 specific target audiences. DEM and DOT, in collaboration with URI, set up a program for  
26 municipalities to use that will suffice with compliance to this minimum measure. The Town  
will post the information on its website.
- 28 2) Public Participation – The state has public meeting laws and participation requirements for  
development of plans and programs with which the town must comply. This plan requires a  
30 public meeting and allows for public comment.
- 32 3) Illicit Discharge Detection and Elimination – Refers to a stormwater system constructed of  
34 catch basins, pipes that outfall to waterbodies, forested areas or wetlands. The system  
should contain only stormwater that is ideally fairly clean. There should be nothing else  
tapped into the stormwater system.
  - 36 a. The municipality has to develop a prohibition against illicit discharges, usually done  
38 through an ordinance, which is being developed.
  - 40 b. Outfalls are the discharge point from the stormwater system. A system may have a  
42 number of outfalls, which can also be referred to as a wastewater system. Hopkinton has  
44 about 200 stormwater systems in town ownership. DOT will also own some systems, as  
46 will private owners, such as homeowner’s associations. As part of this program, the  
48 municipality has to map all the outfalls which can be done through survey or GPS.
  - c. Protocol for a dry weather survey is to go to each of the outfalls during dry weather,  
when there hasn’t been more than a tenth of an inch of rain in 72 hours, and see if there is  
a discharge from the outfall. If there is discharge during dry weather, there are two  
potential sources: groundwater or something that was put there and is not supposed to  
be there. Samples are then taken and tested for bacteria, which if high, are considered to

2 be potential illicit discharges. They also test for other constituents to see if the source is  
4 natural or potentially human. One dry weather survey is done between January 1 and  
6 April 30, and a second between July 1 and October 31. There must be procedures in the  
plan if an illicit discharge is found.

- 8 4) Construction Site Management – A management measure designed to control construction  
10 sites, focuses on soil erosion sediment control, construction debris onsite, and hazardous  
12 materials. A soil erosion ordinance is required to be in place, which they are developing, and  
implementation would be a third year requirement. Once the ordinance is in place, all that is  
required is review of site development plans and inspection.

14 Ms. Douthitt asked who in the town is to do regulation and enforcement.

16 Mr. Riordan said plan review would probably be done by the Director of Public Works, the  
Planning Director, the Planning Board, and is generally headed by the Building Inspector.

18 Mr. Walker said the aspects that would concern the Planning Board are the construction site  
20 issues and making, as a condition for approval of any development plan, the Applicant comply  
with all aspects of these ordinances, which we would probably incorporate as a standard  
22 condition for approval in any project. At that point, the Planning Board's involvement would  
cease and the enforcement of the Planning Board's requirements would be with someone else in  
town.

24 Mr. Riordan said the big thing is new development and re-development from the Planning Board  
26 perspective; the construction site measure and the post-construction site measure as they come  
before the Planning Board. This would be incorporated as part of that. He continued:

- 28 5) Post-Construction Stormwater Control Measure – Structural best management practices  
30 should be in place as part of the development or re-development. An example would be  
detention basins. DEM has a new Design and Installation Stormwater Manual, adopted in  
32 2011, which has specific standards and requirements for building. Towns do not need to  
develop their own standards. The requirement is to enforce the state standards for local  
34 development projects. Part gets done through the Subdivision Regulations and the standard  
that DEM has for stormwater, which is in accordance with the federal standard, is different,  
36 and has to be built into the ordinance language. Anything over an acre that is disturbed,  
must get regulated under this program which subdivision regulations do not. They are  
38 putting that ordinance together. After the stormwater structures get put in place, they have  
to be operated and maintained in a way that is consistent with good engineering practice.

40 Mr. Walker commented that that is outside the purview of the Planning Board.

42 Mr. Riordan said it is something that DPW would probably handle. The Town does not need to  
44 collect a record of the maintenance but the owner needs to maintain records that the Town has  
access to. If the owner does not maintain as necessary, the town has the right to go in and charge  
46 the property owners.

- 48 6) Good Housekeeping and Pollution Prevention Management Measure – A Department of  
Public Works function that states you have to operate and maintain all town owned

2 infrastructure in a proper fashion. Any grounds that are owned by the town are also  
4 maintained in accordance with good practice, with any debris, materials, etc., contained in  
appropriate containers so that stormwater cannot create pollution problems.

6 Mr. Riordan said the state has given Hopkinton a \$25,000 grant with a matching requirement that  
is 20% or \$6250 that can be met through in kind services. The scope of the project includes:  
8 putting together the stormwater management plan; putting together the three ordinances; and,  
putting together the training program for municipal employees. He believes there will be some  
10 funds left at the end to do some further work. Conventional stormwater systems have a large  
detention pond at the end of an outfall pipe which catches the rain, stores it and releases it  
12 slowly, reducing downstream flooding, controls peak flows, and most of the particulates fall out,  
getting rid of suspended solids. It has been found they are not as efficient as small infiltration  
14 systems that recharge water back into the ground. Low Impact Development are smaller  
infiltration systems that are designed to utilizes biotension or rain gardens. The stormwater  
16 management community has found these systems work well and there is a move toward LIDs.  
When DEM developed their new stormwater manual, they included those kinds of best  
18 management practices. Subdivision regulations and land use planning code don't always fit well  
with LID, and sometimes conflicts. They will consider using the remaining money to review the  
20 Town's existing Code of Ordinances and Regulations to see if those conflicts are in there.

22 Ms. Doyle asked if the training for the town staff includes checklists and procedures.

24 Mr. Riordan responded, yes.

26 Mr. Lamphere asked if the Board would consider having Shawn Martin of Fuss and O'Neill, look  
at Article XVII in the new revision of our Subdivision Regulations to see if it needs any changes.

28 Ms. Doyle said it wouldn't hurt. We tried to cite the state's stormwater regulations and the  
30 erosion control standards for future projects, but it wouldn't hurt to have another look.

32 The Board agrees.

34 Council President, Frank Landolfi, asked if this stormwater plan needs to be incorporated in the  
Comprehensive Plan.

36 Mr. Lamphere said the Comprehensive Plan can reference it and the ordinance that we may  
38 adopt, the next time we amend it.

40 Barbara Capalbo, Town Council Liaison, said detention ponds breed mosquitos and LID would  
deter them.

42 Mr. Riordan commented that pervious pavement works well only if it is done right.

44 **Advisory Opinion, Proposed Zoning Ordinance Amendments – The Kids Co. – Plat 28, Lot**  
46 **133, 1111 Main Street. Amy Vachon and Christine Austin, applicants, dba The Kids Co.**  
Present were Planning Consultant/Attorney, John Aubin, and Christine Austin, applicant.

48

2 Mr. Aubin said he is testifying this evening as an expert in land use planning. They have two  
4 applications pending before the Town Council: an application for a Zoning Ordinance language  
6 amendment in which they are seeking an addition to Section 5, District Use Regulation; and,  
8 Section 5A, Groundwater Well Protection Ordinance, to create a land use category for day care  
10 centers. Current zoning contains a definition for day care centers and family home day care, and  
12 a land use category for home day care, but not day care centers. This application was brought  
14 before the Town Council for adoption and amendment to the Zoning Ordinance Map, and for  
16 consistency with Hopkinton Comprehensive Plan, and for their proposal of a separate land use  
18 classification for day care centers within both the land use table as well as within the  
20 groundwater and well protection ordinance. Home day care is currently a permitted use in RFR-  
80, R-1 and in neighborhood business districts, and is not permitted in commercial or  
manufacturing zones. Their proposal is that day care centers would be permitted by a special use  
permit in RFR-80 and R-1 zoning districts. They would be a permitted use in neighborhood  
business zones, commercial zones, as well as in a manufacturing zone. Both are listed as a  
permitted use in primary aquifer and the secondary overlay district. He said Mr. Lamphere has  
provided the Board with his recommendations which support the zoning language amendment  
and notes the elements of the Comprehensive Plan which are applicable. The proposal is  
consistent with the Comprehensive Plan and with RIGL 45-24-30

22 Mr. Aubin continued. The Applicant met with the Council on Monday night and discussed the  
24 language amendment to the Zoning Ordinance regarding the use in the neighborhood business  
26 district being either a permitted use or a special use permit. The Applicant sees neighborhood  
28 business as a transitional use from residential to commercial. Pursuant to the approval of the  
30 language amendment, they would be taking what is now a pre-existing, non-conforming use and  
bringing it to a conforming use. The site is now under a 1985 Council decision that changed the  
zoning of the property from residential to neighborhood business, which the Council at that time  
limited to real estate and professional offices. Under the current Zoning Ordinance both real  
estate and professional offices are permitted uses and as they stand today, are pre-existing, non-  
conforming uses.

32 Mr. Walker said he understands they are asking to add day care center for that specific site to the  
34 list of permitted uses.

36 Mr. Aubin said yes, under the second application. The first application is to create the day care  
center use within the Land Use Table.

38 Mr. Walker said the question of non-conforming use does not come into the picture.

40 Mr. Aubin said one would want to move a property from non-conforming to conforming to keep  
42 the site into conformity with the Town's regulations and ordinance today.

44 Mr. Walker said on the first application you are asking for a townwide zoning amendment that  
46 would make a use known as day care center allowed by right in neighborhood business and  
commercial zones and by special use permit in residential zones.

48 Mr. Aubin responded, correct.

2 Mr. Walker asked, what would you say to allowing the day care center in neighborhood business  
4 and commercial zones by special use permit rather than as of right.

6 Mr. Aubin said having seen the level of review that goes on at the state level, to add that  
8 additional layer of regulation on top would be burdensome and not consistent with the  
provisions of the Comprehensive Plan that calls for support of new and innovative businesses in  
town.

10 Mr. Walker said Mr. Lamphere's memo indicates that on the second part of their application they  
12 add a day care center as an allowed use on this site, a parcel that is use restricted. Are you saying  
you need a permitted use by right or would that allow for a special use designation, also?

14 Mr. Lamphere said he was not thinking in terms of special use permit versus permitted by right.  
16 The opportunity for it to exist is there.

18 Mr. Walker asked, do state day care regulations that you alluded to require outdoor  
playgrounds.

20 Ms. Austin said they do require an outdoor play area.

22 Mr. Walker asked where on this site they would put that outdoor play area.

24 Mr. Aubin said that on the second application, the parking area is to the rear of the building and  
26 is separated from the rear portion of the lot by a stone wall, beyond which is a hedge of forsythia  
bushes, and beyond what would be the outdoor play area, a 40 by 50 foot rectangle.

28 Ms. Austin said the land from the back of the parking lot up to Bank Street is to be fenced in with  
30 four foot fencing, and would be blocked by the natural landscaping. There would be a fenced in  
walkway directly to the building with no access to the parking lot. The State has inspected the  
32 parking lot, proposed play area, and building, and has not had any issues. The Fire Marshal, Ray  
Bader, has inspected it.

34 Mr. Levesque asked where is the fenced in walkway area leading to the playground.

36 Ms. Austin said it would be between St. Joseph's Church and to the left of the parking lot.

38 Mr. Levesque asked, looking at the diagram submitted, the building, when facing the front,  
40 would be on the left hand side of the lot?

42 Ms. Austin responded on the left side; you see rocks then a grassy area. You go right along the  
line of the parking lot directly to the play area behind it, with a gate.

44 Mr. Levesque asked what other alterations are they doing to the outside of the site other than that  
46 fence and play area.

48 Ms. Austin responded, nothing outside.

2 Mr. Aubin said they would expand the driveway, if allowed, for two vehicles to pass. The owner  
4 signed the application and Ms. Austin has an option to lease. They would consider widening the  
drive as a final contingent, and with the Town's approval, they would address those concerns.

6 Ms. Austin said the dentist's office has their own entrance on the front. The only traffic coming  
around the rear would be the children. There would be staggered hours, 7:30 to 4:30 or 5:00.  
8 There will not be more than 20 students.

10 Mr. Levesque asked if they addressed anything about properties in the Town on a primary  
aquifer and what permitting would be required as a result, as they are asking for townwide  
12 application. His concern is the aquifer and future day care centers which could be 50 or 100 kids.  
He asked if they have any proposal for the Town Council as to how to address facilities that may  
14 fall in the primary aquifer zone.

16 Mr. Aubin said they did not specifically look at that. The Zoning Official and the Town Solicitor  
asked them to look at the Zone Use Table and the Groundwater Protection Table. Issues that  
18 would be driven by a day care center would be raised as part of site plan review. This is a change  
of tenancy review. He originally approached the Town Zoning Official for what they considered  
20 a professional use, day care. He is not sure what concerns the day care center would generate  
that would require special treatment for groundwater protection other than the existing  
22 requirements of the town which are in place now.

24 Ms. Austin said the state would allow a maximum of 20 children for the size of the property, the  
plumbing, and the septic.

26 Mr. Levesque said there is currently a single car width drive going into the property and leading  
28 toward the back lot. There is a front lot that accommodates up to five cars. He asked if they are  
authorized to use that entire facility, meaning the front lot and the back.

30 Mr. Aubin responded, no, the rear lot.

32 Mr. Levesque asked if part of the lease was that they cannot use the front lot.

34 Ms. Austin said this hasn't been discussed because it hadn't come up as an issue. They will have  
36 to work that out with the owners of the property.

38 Mr. Aubin said in review of parking in the Zoning Regulations, they have to provide one parking  
space for each 250 square feet.

40 Mr. Levesque asked how many specific parking spaces are dedicated to their facility and how  
42 large is the rear lot?

44 Ms. Austin said there are 12 spaces and does not know how large the lot is.

46 Mr. Levesque said the concern is about the traffic flow on the site and asked how they will  
regulate traffic coming on site at any particular time with one car width coming in and out. He  
48 asked what they are going to put in place to insure that we are not having cars facing each other  
at that spot trying to get in and out and into the street, blocking traffic.

2 Ms. Austin said they had two considerations. One was to widen the drive to accommodate two  
4 cars. The other was to have an entrance in with a circle with staff bringing children in as the cars  
pull out.

6 Mr. Levesque asked if that would be a circle drive in front of the property.

8 Ms. Austin responded yes, so they would have to come off the center and cone off to have the  
cars go around.

10 Mr. Levesque asked, which would she propose to this Board as a solution to a potential traffic  
12 flow problem.

14 Ms. Austin said they would have to look at the exact measurements at the property line.

16 Mr. Aubin said his recommendation would be to widen the driveway and install signage that  
notes it as narrow.

18 Mr. Levesque asked if they would widen the driveway to accommodate two cars passing each  
20 other side by side.

22 Mr. Aubin said they would have to see what the Town would find acceptable. He believes  
signage to be beneficial, marking it as a narrow drive and also installing a stop sign facing the  
24 cars that would be exiting the site. By widening the radius area that pulls into that driveway they  
should also be able to increase the view.

26 Mr. Levesque asked if they could put in place, a policy or a regulation, that would also alleviate  
28 the burden, such as having some students show up at 9:00.

30 Ms. Austin said they could stagger the drop off times between 7:30 and 8:45.

32 Mr. Levesque asked what they would propose as a solution in that regard.

34 Ms. Austin responded, based on parent needs, students being dropped off at 7:30 would have  
enough spaces to accommodate them. With three employees it would leave eight to nine spots.  
36 They may have parents drop off at 15 minute intervals and do the same thing in the afternoon.

38 Mr. Levesque asked if they would be amenable to staggering five students every five minutes to  
further alleviate the traffic.

40 Ms. Austin responded, absolutely. Generally everyone does not show up at the same time.  
42

44 Mr. Levesque asked if they would be willing to undertake DEM review of the septic and  
approval if necessary, in order to make sure that the additional load on the septic system isn't  
going to complicate it.

46 Mr. Aubin said they would file a septic review.  
48

Mr. Walker said this should all be addressed at a development plan review.

2 Mr. Levesque said the Applicant is proposing something that is going to be townwide. It is  
4 under the Board's consideration to recommend that projects of this nature come before the Board  
6 for site plan review and it is certainly within the Board's purview to recommend that in the  
8 Town's approval of this new use. Mr. Aubin has intimated that that extra layer of review may  
not be necessary because the State reviews day care centers. Often, what the State is looking at  
are not the things that concern Hopkinton. The Board can certainly consider whether, in this  
town, it is important that we do site plan review for day care centers of this nature.

10 Mr. Walker said he understands that if the Planning Board grants the request for the townwide  
12 and the site specific changes as amendments to the Zoning Ordinance, the applicant will still  
14 have to go through site plan review with this Board, and these issues that we are talking about  
16 now are going to have to be addressed. The applicant will have to get DEM approvals for septic,  
18 state licensing for the child care center, and address the traffic issues, both the question of the  
width of this driveway and its safety for the traffic that is going to be generated by 20 children,  
including a potential emergency situation, and also addressing the traffic problem on Main  
Street. He asked what their expectations are of how soon this will happen.

20 Mr. Aubin said they will like to open this fall.

22 Mr. Walker said this is on for further review by the Town Council on June 17. Assuming the  
24 Town Council votes to give the Applicant the amendments they are seeking in accordance with  
26 our recommendation, if we so recommend, the Applicant is going to have to file an application  
for site plan review that will have to be advertised and have plans drawn up. The expectation to  
open in the fall is unrealistic and may take considerably longer.

28 Mr. Levesque said the Applicant should also understand they are dealing with a building permit  
30 issue which will require assessing ADA compliance, and a host of other things, including fire  
32 compliance. He asked if the Applicant would be amenable to a recommendation from the  
34 Planning Board to the Town Council to make the changes proposed, perhaps with the addition of  
an aquifer protection permit and requiring site plan review for all these facilities, and specifically  
to the Applicant, assuming the Board recommends a change to the 1985 approval to this specific  
property, you will be required to do a site plan review to address things like traffic flow.

36 Ms. Austin responded yes.

38 Mr. Lamphere asked if the Fire Marshal was going to require a full sprinkler of that building.

40 Ms. Austin said the Fire Marshall said it is not required by the Town or by the State. There needs  
to be a new communicator hooked in to the Hope Valley Fire Department.

42 Ms. Capalbo said it is important that we have day care in the Zoning Use Tables and stated it  
44 should be a permitted use in a neighborhood business zone. She does not feel it should be by  
special use permit as it will have to go through site plan review.

46 Mr. Walker said he is satisfied that the level of state regulations for daycare centers together with  
48 the Planning Board's regulations, are sufficient to allow day care centers as a permitted use in  
commercial zones. Day care centers in a residential zone would still require a special use permit,  
and would be appropriate. The Applicant is asking for a recommendation that the Town Council

2 amend the Zoning Ordinance to add day care center to the District Use Tables, as allowed by  
4 right in neighborhood business and commercial zones, by special use permit in RFR-80 and R-1  
6 zones, and not be allowed in manufacturing zones. They are asking for a separate  
8 recommendation to amend the 1985 Town Council decision to add day care center, as defined, to  
the list of uses that would be permitted on this specific site. If the Board were to grant you that  
relief, is that what you need to go forward, assuming the Council goes along with our  
recommendation?

10 Mr. Aubin responded, yes.

12 Mr. Walker continued. It would be well for the Board to include in these Zoning Ordinance  
14 amendments, in both cases, that the day care centers be subject to site plan review by the  
Planning Board.

16 Mr. Levesque added, it should also be conditional on obtaining all state approvals including  
18 DEM septic approval.

20 Mr. Aubin asked, as far as the site plan requirement, would that be proposed as a footnote to the  
Land Use Table.

22 Mr. Walker said for any commercial use a site plan is required.

24 Mr. Aubin said the Council may want to specifically say with regard to this site, the property is  
26 designated as neighborhood business on the Future Land Use Map and is spoken to in the  
Comprehensive Plan.

28 MS. DOYLE MOVES TO APPROVE THE PROPOSED CHANGE TO THE ZONING ORDINANCE TEXT  
30 AMENDMENT AS 758 DAY CARE CENTER THAT WOULD BE ALLOWED BY RIGHT IN NEIGHBORHOOD  
BUSINESS AND COMMERCIAL ZONES, A SPECIAL USE PERMIT IN RFR-80 AND R-1 ZONES, AND NOT  
32 ALLOWED IN MANUFACTURING ZONES. BASIS IS IN ACCORDANCE WITH THE TOWN PLANNER'S MEMO,  
THE BOARD FINDS THE FOLLOWING:

- 34 1. THIS APPLICATION SUPPORTS THE TOWN OF HOPKINTON COMPREHENSIVE PLAN LAND USE  
36 ELEMENT, COMPREHENSIVE PLAN FUTURE LAND USE MAP CLASSIFICATION OF THIS PARCEL AS  
NEIGHBORHOOD BUSINESS, AND IS CONSISTENT WITH THE UNDERLYING ZONING, I.E.,  
38 NEIGHBORHOOD BUSINESS SPECIAL;
- 40 2. POLICY LU 5 ENCOURAGES DEVELOPMENT OF RESIDENTIAL USES, SMALL BUSINESS AND PUBLIC  
FACILITIES, IN KEEPING WITH THE PREDOMINATE SCALE OF A PARTICULAR VILLAGE AREA;
- 42 3. ECONOMIC DEVELOPMENT ELEMENT, OBJECTIVE ED 1, CREATE OPPORTUNITIES FOR NEW  
44 OFFICE, COMMERCIAL, INDUSTRIAL AND MIXED USES AT EXITS 1 AND 2 OFF OF I-95 AS WELL AS  
IN EXISTING VILLAGE AREAS;
- 46 4. OBJECTIVE ED 3, TARGET SPECIFIC TYPES OF BUSINESS BASED ON HOPKINTON'S QUALITY OF LIFE  
48 AND LOCATIONAL ADVANTAGES, BALANCED WITH BUSINESS REQUIREMENTS AND IMPACTS TO  
THE ENVIRONMENT;

- 2 5. OBJECTIVE ED 4, PROVIDE THE KEY INGREDIENTS TO ENHANCE THE BUSINESS CLIMATE IN TOWN  
4 TO PROVIDE MORE EMPLOYMENT OPPORTUNITIES WITHIN THE TOWN;  
6  
6 6. RECOMMENDATION 5, IDENTIFY AND ZONE NEW AREAS FOR MANUFACTURING AND  
8 COMMERCIAL SITES;  
8 7. PUBLIC SERVICES AND FACILITIES ELEMENT, GOAL PSF 4, TO MAINTAIN AND IMPROVE THE  
10 QUALITY OF EDUCATION THROUGH TRADITIONAL AND INNOVATIVE APPROACHES, BOTH PUBLIC  
10 AND PRIVATE.

12 MOREOVER, THE BOARD HAS CONSIDERED AND RECOGNIZES THAT THESE AMENDMENTS SERVE TO  
14 FURTHER THE APPLICABLE PURPOSES OF ZONING, AS PRESENTED IN RIGL 45-24-30, SPECIFICALLY:

- 16 1. PROMOTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE;  
18 2. PROVIDING FOR A RANGE OF USES AND INTENSITIES OF USE APPROPRIATE TO THE CHARACTER  
20 OF THE CITY OR TOWN AND REFLECTING CURRENT AND EXPECTED FUTURE NEEDS;  
22 3. PROVIDING FOR ORDERLY GROWTH AND DEVELOPMENT WHICH RECOGNIZES  
24 A. THE GOALS AND PATTERNS OF LAND USE CONTAINED IN THE COMPREHENSIVE PLAN OF THE  
26 CITY OR TOWN ADOPTED PURSUANT TO CHAPTER 22.2 OF THIS TITLE, AND  
28 B. THE AVAILABILITY AND CAPACITY OF EXISTING AND PLANNED PUBLIC AND/OR PRIVATE  
30 SERVICES AND FACILITIES.

32 MS. DOUTHITT SECONDS THE MOTION.  
34 MESSRS. WALKER, ESCHER, AND MSES. DOYLE AND DOUTHITT VOTE TO APPROVE.  
36 MOTION CARRIES.

38 Mr. Walker said he will entertain a second motion to amend the 1985 Town Council decision to  
40 add the use of Day Care Center to the list for uses permitted on this specific site based on the  
42 same findings as for the previous motion and the applicant is specifically required to return to  
44 the Board for site plan review.

46 MR. ESCHER SO MOVES.  
48 MS. DOUTHITT SECONDS THE MOTION.  
50 MESSRS. WALKER, ESCHER, AND MSES. DOYLE AND DOUTHITT VOTE TO APPROVE.  
MOTION CARRIES.

**PLANNER'S REPORT**

Status Report – Subdivision Regulations

Mr. Lamphere and Mr. Levesque will review the final draft.

Mr. Levesque recommended, once they have done their review, there is a joint workshop with the Town Council to discuss the amendments, as some will have to be approved by the Council. If we have a joint workshop we can make sure we are all on the same page and get the Council's approval.

2           **CORRESPONDENCE AND UPDATES**

Zoning Board Meeting – May 16, 2013

4           Their packages include agendas for the Zoning Board meeting. The agendas are usually  
6           not received in a timely manner to get them to the Planning Board before the meeting  
             occurs.

8           Mr. Landolfi asked for a shortened version of the first motion.

10          Mr. Levesque said the Board is recommending Day Care Centers be added to the use tables  
12          because it is consistent with the Comprehensive Plan and consistent with zoning law. We went  
14          through the elements of zoning law and the findings in the Comprehensive Plan that we think  
             are consistent with having a child care facility. We are allowing it in neighborhood business by  
             right, in this particular instance, not because it is neighborhood business special under a 1985  
16          approval, so now we had to have a different approval.

18          Mr. Walker said this particular site was restricted in its uses by the Town Council in 1985.

20          **PUBLIC COMMENT:** None

22          **DATE OF NEXT REGULAR MEETING**

The Board's consensus was to continue this meeting to Wednesday, August 7, 2013.

24          **ADJOURNMENT**

The meeting was adjourned at 9:00 p.m.

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30          **Attest:** \_\_\_\_\_  
                          Lynda St. Amour, Planning Board Clerk

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34          **Approved:** July 10, 2013

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