

## **WARREN PLANNING BOARD**

### **MINUTES**

**JULY 25, 2011**

The regular scheduled meeting of the Warren Planning board began at 7:07 PM. Present were J. MacDougall, M. Heald, R. Mello, A. Asselin, J. Piepowski, E. Stanley. Also present was W. Nash, Attorney A. DeSisto, Atty. Simone from DeSisto group.

#### **Minutes June 27, 2011**

On a motion by J. Piepowski, seconded by R. Mello, the minutes were accepted, as amended, by a vote 5-0. A. Asselin abstained because he was not present at the meeting. J. Piepowski questioned the procedure of closing the Waterfront Overlay Review part of the meeting. Atty. DeSisto stated the proceeding was correct.

#### **Old Business:**

##### **Stop and Shop Fueling Facility/ Ocean State Plaza/ MEGL Realty Preliminary Plan**

**Atty. John Mancini was present on behalf of the applicant, he did not speak..**

Chairman J. MacDougall noted that no Fiscal Impact Statement was received by the Planning Board, though there was reference to one being submitted to the Zoning Board. Copies were distributed to the Board members. It stated that tax revenue would be in excess of \$12K/year and 5 jobs would be created. The Tax Assessor had advised J. MacDougall that her estimate of the annual tax revenue would be \$1500./year for a 1-person kiosk with 4 pumps, 8 hoses.

The Chair also pointed out that on 8/18/10 the Conservation Commission's letter to the Board stated that the Environmental Impact Statement was not substantive. Applicant made no additional or updated report. Applicant addressed all other items in the letter including emergency response plan, Maintenance plan, plantings, lighting, etc.

The decision was read and discussed. Wording was changed to differentiate the Ocean State Plaza from the Pad Site. Dates of submission or approval were also added to the decision. They were as follows:

Master Plan approval by Board 10/7/10, approval from DEM for UST permit 9/29/10, Project Plans submitted to DOT 9/8/10 with PAP approval 12/30/10, Special Use Permit granted 2/9/11 by Warren Zoning Board of Review to operate a gasoline filling station in a General Business zoning district.

Andy Asselin questioned why applicant went to DOT for PAP prior to having received Master Plan approval. Opinion was divided on the sequencing.

As to what the Board considers the most important issue, A. Asselin stated for him it was compliance with the Comprehensive Plan which this application fails to do. Atty. DeSisto pointed out that the Board had already found the Master Plan to be in compliance with the Comp Plan and therefore, we could not now find that Comp Plan conformance didn't exist. J. MacDougall stated that a condition of Master Plan approval was submittal of information as to how the Rewards Program would impact traffic volumes. This was not provided by the applicant.

Discussion centered on the run-off from the site and the applicant's inability to make any changes to the Plaza since they were only leasing the Pad Site. J. MacDougall asked that wording referring to the excavated material proposed to be moved to the southwest corner of the Plaza be changed from storage of material to deposit of material, since 'storage' implied a temporary condition and this would be permanent.

It was noted by the Chair that Shawn Martin, engineer for the Town's Peer Reviewer, Fuss & O'Neil indicated at the June 27, 2011 meeting that some form of bio-retention system is the best form of run-off protection, and is what new Stormwater regulations require. However, Shawn stated because the pad side is narrow with slopes, bio-retention could not be located on the pad site. Therefore he deemed the stormceptor as appropriate. He did suggest an alternative site for bio-retention just outside of the Pad Site in the Plaza. Applicant has testified that they cannot do construction outside of the Pad Site, because they do not own the Plaza.

The Board was polled concerning opinion on the environmental impact of the proposal. M.Heald, J. Piepowski, A motion was made by M. Heald, seconded by J. Piepowski to support a finding of fact based on information provided by S. Martin, Town engineer, that the proposed plan would have no negative environmental impact. The vote was 4-2 with J. MacDougall and A. Asselin voting against.

M. Heald then made a motion, seconded by R. Mello, to approve the petition with conditions: soil removal from the Plaza and controlling environmental impact with appropriate maintenance plans. The vote was 4-2, with A. Asselin, J. MacDougall opposed. The motion failed to receive a majority vote. Attorney DeDSisto suggested the Board reconsider the petition at a special meeting since 3 of the Board members who had been present for the discussions and public hearing did not get the opportunity to express themselves.

On a motion by M. Heald, seconded, R. Mello the vote was unanimous. R. Mello moved and M. Heald seconded to hold a special meeting Aug. 1, at 7:00 PM. The vote was 6 - 0.

### **Chung Kwong Luk, 346 Adams Lane-Plat 13C-Lot 20 request for minor subdivision to existing lot**

Chung Luk and David Barrows, his real estate agent appeared to request the subdivision. Although the lane has received some maintenance by the town, it is not a public road. Atty.

DeSisto stated that clarification is needed as it is not a conforming street, and that all lots shall front on an existing street as shown on the town map, while Adams Lane does not. DPW clarification is needed as to the length, width, and condition of the road, as well as title information before a decision can be made. A. Asselin moved, seconded by J. Piepowski to deny without prejudice and have Mr. Luk reapply for a Major subdivision, applying the fees to that application, and return with the above information. Approved 6-0.

**New Business:**

**Wightman's Farm, LLC, 560 Metacom Avenue- Plat 13C, Lot 157 (reconfigured) request from R-10 to Business Zoning**

Bruce Cox, Attorney for Wightman's Farm was present. Board had received letter from Town Planner, Caroline Wells, stating that this application did not conform to several sections of the Comp Plan and recommending that the Board not give a positive recommendation to the Town Council for this application. Mr. Cox felt that Ms. Wells quoted sections of the Comp Plan but did not explain their relevance to the application. The lot in question is newly created by administrative subdivision and is over 500' deep. It is bisected by Adams Lane (see above petition) which is not a Town mapped street. There is one privately owned house in this parcel.

Current and future land use in the Comprehensive Plan calls for the parcel to be residential. The property is now undeveloped pasture land. There are wetland areas on the property. Based on the map, the issue with the house and the status of Adams Lane, the Board is not inclined to recommend changing the zoning. A. Asselin moved to recommend denial of the request, seconded by R. Mello. The vote was 5-1 to deny the request. J. Piepowski was not in agreement.

**Administrative Matters:**

W. Nash reported 2 dog day care centers were approved. One is located on the corner of Metacom Ave and Overhill Road, the other at the end of Cutler St.

The meeting was adjourned at 9:59 PM. on a motion by A. Asselin, seconded by E. Stanley.

Respectfully submitted,

Catherine Gresh

Recording Secretary

