

**WARREN PLANNING BOARD
MINUTES
JANUARY 23, 2011**

The regular scheduled meeting of the Warren Planning Board began at 7:00 PM. Present were Frederick Massie, John Piepowski, Elliott Stanley, Mary Jamiel, Chuck Thibaudeau, Russell Mello, Richard Silva, and Douglas Kallfelz. Martha Heald was absent. Also present were W. Nash, and Attorneys Anthony DeSisto and Stephanie Federico, and Town Planner Caroline Wells.

Public Hearings:

**Wightman's Farm, LLC, owner and applicant; 560 Metacom Avenue; Plat 13C, Lot 157;
Recommendation to Warren Town council regarding Comprehensive Plan – Future Land Use Map
Amendment (remanded back from Town Council for reconsideration).**

Bruce Cox, attorney for Wightman's Farm LLC, re-presented owner Robert Avila's request for a Planning Board recommendation to amend the Comprehensive Plan – Future Land Use Map for a six acre parcel fronting Metacom Avenue accepting a previously requesting zoning change, now before the Warren Town Council, from residential to commercial. In addition to Attorney Cox and Mr. Avila, two certified planners, Edward Pimental and Joseph Lombardo provided testimony supporting the applicant's request for a Planning Board recommendation to amend the Comprehensive Plan – Future Land Use Map.

Town Planner Caroline Wells addressed the elements of the Comprehensive Plan relevant to the applicant's request, providing testimony opposing the applicant's request. The meeting was opened for a public hearing and members of the public offered testimony both for and against the application. Adams Lane resident Dana Warren requested the Board's attention to the Adams Lane easement which allows resident access to homes through the applicant's land.

F. Massie asked the applicant if he is willing to provide a detailed site plan for the six acres under consideration for a residential to commercial change reflecting building positioning and proposed regulations for buffers, setbacks and landscaping, as well as for the back lot parcel which is zoned R10, and including clear references to the Adams Lane easement currently running through both sections of the applicant's property. F. Massie noted that, in testimony, both Mr. Avila and his daughter noted they hope to keep the back portion of their property behind the six acres in question, as open as possible.

Attorney Cox, with his client's approval, agreed to hold the request for the zoning amendment, currently before the Town Council and to present the requested site plan as requested to the Planning Board at its February meeting.

M. Jamiel made a motion to continue the hearing to the Board's next meeting when the applicant will present the complete site plan noted above. Seconded by C. Thibaudeau, the vote was unanimous.

Minutes of December 19, 2011

On a motion by M. Jamiel seconded by R. Mello, the minutes were unanimously approved.

Old Business:

Gary D. Fenster, owner; Plat 15A, Lots 71 & 72 Seymour St; Minor Subdivision

Attorney Carl Silva submitted the final request for a minor subdivision for Gary Fenster noting all the Technical Review Committees points have been addressed. According to W. Nash, Town Engineer Shawn

Martin, stated that the rate and amount of runoff will be less than before. He will insure that this is the case as the work is finalized.

M. Jamiel made a motion to approve the plans conditionally: 1) that Shawn Martin reviews the soil erosion and sedimentation control after project is completed, 2) runoff volume and rate are reduced from the original pre-development condition of the land as certified by Shawn, 3) the easement remains gravel, 4) the recommendation of the TRC be incorporated by reference. Seconded by J. Piepowski, approved unanimously.

Touisset Farms; GRF Associates, LLC, owners; land off Chase Avenue – Plat 17, Lot 7; Review of approved Final Plan amendment and decision from May 23, 2011.

Attorney Scott Spear presented the final plan; additions of notations of final plans incorporated by reference. They will not be recorded until a final review by the Town Solicitor.

R. Silva made a motion to accept the memorandum of the decision with additions. Seconded by M. Jamiel, unanimously approved.

Rockland Acres; William Rodrigues, Jr. – owner/applicant; land off Touisset Road; Plat 17, Lot 175; Request to modify the Final Plan Approval and a reduction of the posted bond.

Attorney Bruce Cox divided the request into two parts: bond reduction, and modification of Final Plan Approval. Director of Public Works John Massed's memo to W. Nash indicates the original \$74,000 bond can be reduced by \$35,000 due to work completed, leaving the remaining bond at \$39,000. At issue is whether a partial bond can be released. J. Piepowski noted that the Planning Board Rules and Regulations do not mention the release of a partial bond only a bond in its entirety. F. Massie noted that work covered by the amount of the bond requested for release has been completed and asked Attorney Federico if it was legally permissible to return a partial bond. Attorney Federico stated that a partial bond return is legal.

R. Silva made a motion to release the \$35,000 based on John Massed's memo. Seconded by M. Jamiel, the vote was 7-2 with C. Thibaudeau and John Piepowski voting against releasing a partial bond based on the issue of the legality of doing so.

F. Massie made a motion to approve the modification of Final Plan to include Parcel 6 (erroneously noted as Parcel 10 in the applicant's written request) including the existing dwelling on that parcel, in the first phase of the two-phase Rockland development plan. Seconded by R. Mello, unanimously approved.

The meeting was adjourned at 10:07 PM.

Respectfully submitted,

Catherine Gresh
Recording Secretary