

PLANNING BOARD MINUTES

JULY 30, 2014

Town Council Chambers, 350 East Main Rd., Middletown, RI

Board members present:

Gladys Lavine, Chair

Pete Marnane, Vice Chair Ron Wolanski, Planning Director

Betty Jane Owen, Secretary Russ Jackson, Assistant Town Solicitor

Matthew Sullivan

John Ciummo

Arthur Weber

Member absent:

Charlene Rose-Cirillo

The meeting was called to order by Ms. Lavine at 5:00pm.

1. Public Hearing – Peter Gallipeau, Proposed 12 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4, Request for combined Preliminary & Final Plan approval.

Mr. Wolanski noted the receipt of a letter from John Shevlin of PARE Corp. dated July 30, 2014, which provides comments based on his review of the latest plan from Northeast Engineers revised dated June 19, 2014

Ms. Lavine stated that the public hearing remains open.

The applicant's attorney, Mr. Martland, asked engineer Lyn Small to describe revisions in the latest plan set.

Ms. Small stated that the plans provide additional information on grading, manholes, and provides additional cross sections for Cross Country Drive. The sewer main depth in Paradise Ave. has been determined, and the proposed twin 18" culverts have been depicted more accurately. No changes to the drainage design for the project were necessary.

Mr. Sullivan asked about the sewer connection to the main in Paradise Ave.

Ms. Small stated that a drop manhole will be provided.

Mr. Martland provided a document to the board "Saltwood Farm: 12 Lot Conservation Subdivision Drainage Summary" (Exhibit 7). He ask Ms. Small to discuss.

Ms. Small stated that there will be an overall improvement to the storm water drainage situation in the area. Peak flows and volume will be reduced. There is a small increase in flow at the Paradise Ave./Cross Country intersection, but the design point for the drainage study, the Maidford River, experiences a reduction in peak flows and volume.

Mr. Sullivan asked how the increase in flow at Paradise and Cross Country will be addressed.

Ms. Small stated that the proposed 18" culverts will accommodate anticipated flow. Town staff and the town's consulting engineer have approved this design.

Mr. Martland asked Ms. Small if there would be any negative

environment impact as a result of the development.

Ms. Small stated that the development would improve the situation regarding storm water control. RIDEM has approved the plan.

Mr. Marnane asked the Town's consulting engineer, Mr. Shevlin, if he was satisfied with the revised plans.

Mr. Shevlin stated that he is satisfied with the latest plan set subject to the correction of some notations.

Vernon Gorton, attorney for the Paradise Valley Neighborhood Association, asked Ms. Small if the 2:1 side slopes on the swales are maintained with latest revisions. Ms. Small indicated that they were.

Mr. Gorton asked if the grade of Cross Country Lane will be lowered as a result of the plans.

Ms. Small stated that road grading is needed to address grading requirements for the swales.

Mr. Gorton asked if the swales would provide water quality benefits.

Ms. Small stated that the swales would provide minimal water quality benefits.

Mr. Gorton asked if the 18" culverts at Paradise and Cross Country as depicted on the plan include the proposed invert elevations.

Ms. Small stated that the revised plans provide the correct inverts for the proposed pipes.

Mr. Gorton asked if the proposed invert is the same as the invert of the existing culvert.

Ms. Small stated that the inverts of the existing and proposed culverts are the same.

Mr. Gorton showed a photo to Ms. Small which he stated indicated

that the existing invert is 18-20" below existing grade, where the proposed plan shows inverts 3' below existing grade.

Ms. Small stated that the existing grades on either side of Cross Country were held and the invert of the proposed pipes matches existing. She noted that PARE has recommended use of class V pipes for greater strength to address reduced cover. The applicant has agreed to this request.

Mr. Gorton asked if lowering the 18" pipes would result on the need to regrade swales on either side of culvert.

Ms. Small stated that she does not agree that the inverts of the new pipes would be lower than the existing. She noted that the photo shows a dip in the cover above the existing culvert.

Mr. Gorton asked if she had the inverts for the existing culvert.

Ms. Small stated that due to the condition of the culvert, the existing invert could not be determined. Grades around the culvert were taken.

Mr. Gorton asked if the proposed swales along Cross Country have sufficient capacity or would they overtop?

Ms. Small stated that the culverts under Cross Country have capacity in excess of the swales, so the swales would not overtop.

Mr. Gorton asked if flow calculations were done at each of the cross sections along Cross Country.

Ms. Small stated that such calculations were not done as this is not standard practice.

Mr. Gorton asked if the swales would pond across Cross Country Lane.

Mr. Small stated that there would be no ponding on Cross Country Lane.

Mr. Martland asked Ms. Small to confirm the proposed inverts of the proposed 18" culverts.

Ms. Small stated that the culvert inverts will match existing grades.

Mr. Marnane asked if RIDEM had reviewed the engineering.

Ms. Small stated that they had.

Mr. Gorton asked if RIDEM had reviewed the June 19, 2014 revised plans.

Ms. Small stated that they had not, but that revisions were to address items that did not impact the drainage design.

Mr. Martland asked if Mr. Gorton was objecting to the hearing proceeding.

Mr. Gorton stated that it is up to the Planning Board to determine if the hearing should proceed.

Ms. Lavine suggested that final RIDEM review could be a condition of approval. She asked Mr. Shevlin for his opinion.

Mr. Shevlin stated that he had no problem with that approach, as there appears to be no change to the design. RIDEM will have to determine if the revisions constitute a significant change to the design.

Mr. Martland introduced George Gifford, landscape architect for the project. He asked Mr. Gifford to discuss the waivers that are requested regarding street trees.

Mr. Gifford stated that the site conditions and proposed infrastructure limit the ability to comply with the strict requirements for street trees.

Mr. Marnane asked if the Tree Commission had reviewed the plans.

Ms. Owen stated that the Tree Commission had reviewed the plans and had approved them.

Mr. Martland stated that he had completed his presentation.

Mr. Gorton introduced engineer Kamal Hingorany. He provided the board with a copy of Mr. Hingorany's resume (Exhibit 8).

Mr. Hingorany provided a report to the board "Report of Narragansett Engineering RE: Saltwood Farm Major Conservation Subdivision, A.P. 126, Lots 4,217,218&219, Bailey Ave & Sachuest Drive, Middletown, Rhode Island" (Exhibit 9).

Mr. Gorton asked Mr. Hingorany to confirm that the proposed plan would reduce the elevation of Cross Country Drive.

Mr. Hingorany confirm that it would.

Mr. Gorton asked if Mr. Hingorany had concerns with the drainage calculations.

Mr. Hingorany stated that he was concerned that check dams could reduce the capacity of the proposed swales.

Mr. Gorton reviewed photos in the Narragansett Engineering report. He asked Mr. Hingorany to confirm that the photos were taken at the existing culvert under Cross Country at Paradise, and that a photo indicates a measurement being taken showing the invert of the culvert 18-20" below grade.

Mr. Hingorany confirmed this.

Mr. Gorton referred Mr. Hingorany and the board to photos of downstream culverts.

Mr. Hingorany stated his concern that there is no increase in the size

of downstream culverts proposed. This could result in erosion of downstream swales.

Mr. Gorton asked if dropping the proposed 18" culverts under Cross Country by one foot would cause a problem.

Mr. Hingorany stated that the swales would have to be regraded.

Mr. Gorton question the town's calculation of developable land area relative to the inclusion of wetland buffers as defined in the zoning ordinance.

Mr. Hingorany stated that the RIDEM definition of wetlands changed since the town regulations were adopted.

Mr. Martland objected to this discussion as the issue of the town's definition of developable land area had been addressed to the board's satisfaction prior to approval of the subdivision master plan.

Mr. Gorton stated that the master plan approval does not preclude reexamining this issue, and that he wanted this concern to be noted in the record.

Mr. Weber asked Mr. Hingorany if he had done any drainage calculations to support the concerns he expressed about potential downstream drainage impacts.

Mr. Hingorany stated that he had not.

Mr. Marnane asked if questions raised about the grade of the downstream swales and the capacity of culverts is relevant since the plan results in a reduction in storm water flow compared to existing conditions. He noted that the plan to increase capacity of a culvert does not necessarily result in an increase in flow.

Mr. Martland, referring to Mr. Hingorany's photos, questioned the

grades of the existing road in relation to the invert of the existing culvert as you move north across the roadway.

Mr. Hingorany stated that he took no grades in the field.

Mr. Martland ask if the proposed twin 18" culverts will increase capacity or increase flow of water under Cross Country.

Mr. Hingorany stated that capacity would be increased.

Mr. Martland asked Ms. Small to address the grade of the road and invert of the existing culvert in Cross Country.

Ms. Small stated that using a tape measure at the end of the culvert does not accurately represent the exiting grade of the road. The land slopes down away from the centerline of the road toward the edge.

Mr. Martland asked why two 18" culverts are proposed where one was originally proposed.

Ms. Small stated that the town had requested two 18" culverts to help address existing drainage problems in the area.

Mr. Gorton asked if Ms. Small had the invert for the exiting culvert.

Ms. Small stated that she did not.

There being no more questions from the attorneys, Ms Lavine invited public comment.

Martha Koziara of 8 Miller St. expressed concern over the existing conditions of the storm water drainage system in the neighborhood. She noted previous findings of collapsed storm drains. She expressed concern that the storm water runoff was adversely impacting well water quality in the area. She noted that the RIDEM has identified high hazard dams in the area, and she stated that the town does not currently adequately maintain storm water facilities,

including detention basins in the town. She is concerned that the proposed development will create additional problems. She provided photos to the board illustrating her points (Exhibit 10).

Richard Neidich of 7 Sachuest Drive requested that the board accept materials to be included in the record (Exhibit 11), including portions of a transcript from a zoning board of review meeting. He noted that the zoning board chairman stated that he did not agree with the proposed location of the new road in the subdivision.

Mr. Martland objected to including the transcript in the record, noting that he does not have the ability to cross-examine the zoning board chairman.

Ann Higbie of 75 Bailey Ave. stated that she has lived in the area for many years and is concerned with uncertainty in the engineering design. She expressed concern for the impact on the Maidford River.

Sam Howell of 110 Sachuest Way stated that he is an engineer and understands statistics. Recent flooding in the area is beyond what was anticipated by statistics. If the engineering is wrong there will be major problems. He noted that the Aquidneck Land Trust is interested in preserving land in the Maidford River watershed.

There being no one else from the public wishing to speak, Ms. Lavine allowed Mr. Martland to respond.

Mr. Martland asked Ms. Small to describe the impact the development will have on Bailey Ave.

Ms. Small stated that much of the runoff now impacting the Bailey Ave. neighborhood will be captured and redirected, improving the conditions.

There was some discussion and review of the maps showing the catchment areas for the subdivision.

Mr. Gorton summarized his concerns with the application, stating that: the plan is not consistent with the goals of conservation subdivision; not all hydric soils are contained in the open space; vehicular access through the open space is not permitted except to provide access to the open space, not the applicant's house which has other access; there is no buffer provided between the development and abutters; the plans do not adequately protect a sensitive resource, the drainage plan is based on assumptions and a nine-year-old existing conditions plan; there have been problems with the applicants plans in the past that needed to be corrected; evidence in photos presented to the board contradict the plans; the plan ignores downstream impacts; there was a last-minute change of the road grades; there is no proof that there will be no adverse environmental impact. He requested that the board vote to deny the application.

Mr. Martland stated that he disagrees with Mr. Gorton's statements. He summarized the history of the review that the project has undergone. He noted that the roadway in the open space is needed to provide access for maintenance of the drainage facilities. He stated that there has been no expert testimony provided to support claims that the project will result in negative impacts. The plan meets the town regulations subject to the board's consideration of the waiver requests. He listed the waivers that are requested, and stated that the five required findings of fact have been satisfied.

Mr. Martland indicated his client's willingness to seek RIDEM approval of the latest revised plan set, should such approval be necessary.

There was discussion of the open space plan, and the possible restriction of certain facilities. Mr. Martland indicated that his client would agree to revise the appropriate documents to prohibit such facilities as pools, tennis courts and basketball courts in the open space.

Mr. Marnane asked if the applicant is required to analyze downstream drainage issues?

Mr. Martland stated that the applicant has met all state and local requirements.

Motion by Mr. Marnane, seconded by Ms. Owen, to close the public hearing. Vote: 6-0-0.

2. Consideration of application - Peter Gallipeau, Proposed 12 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4, Request for combined Preliminary & Final Plan approval.

Mr. Weber stated that the board and the town have done their due diligence in the review of this application. It has received as thorough a review as any recent application. It is time to render a decision. He stated that the applicant has addressed the requirements and the boards concerns, and the plan should be approved. He thanked the abutting property owners for their input and stated that he understands their concerns.

Ms. Lavine stated that she agrees with Mr. Weber regarding the amount of effort that has gone into review of the application. She

noted that based on the information presented to the board, there would be no adverse impact from storm water runoff on downstream properties and Paradise Ave.

Motion by Mr. Weber, seconded by Mr. Marnane, to grant combined preliminary and final plan approval subject to the following waivers granted, conditions of approval, and findings of fact:

Waivers granted:

- 1. Waiver of the town's construction standard Section 603 regarding proposed intersection pavement radii, to allow 27 feet at intersection of Bailey & Saltwood Dr., and 15 feet at Saltwood Drive & Sachuest Dr. where 37ft. is required.**
- 2. Waiver from Section 608 of the subdivision regulations regarding subsurface water relative to road construction. The applicant is assuming high ground water table in the vicinity of proposed roads, and the plans indicate the use of geosynthetic fabric and subdrains in order to provide a proper road base, as approved by the Town Engineer, DPW Director, and the Town's consulting engineer, PARE Corp.**
- 3. Waiver from the number and placement of required street trees (Subdivision Regulations Section 622). The number and placement of trees is not in strict conformance with section 622.**

Conditions of Final approval:

- 1. Prior to recording, any outstanding applicable subdivision application fees must be paid.**
- 2. Prior to recording, the open space plan, conservation easement and other applicable documents must be revised to indicate that**

construction of recreation facilities including swimming pools, tennis courts, basketball courts and other similar structures will not be permitted on open space parcels.

3. Prior to recording of the final plan, final review and approval of all required legal documents by the Town Solicitor and town staff, and execution and recording of the documents is required. Documents include conservation easement, open space plan, storm water maintenance easement, homeowners association documents.

4. Prior to recording of the final plan, required performance security in an amount approved by the Planning Board, and in a form acceptable to the Finance Director must be provided.

5. In order to prevent future encroachment into, and misuse of the open space, monumentation to mark the boundary between the open space and the development lots must be provided and indicated on the final plan subject to the approval of the Town Planner, prior to recording.

6. Prior to recording, the following note must be added to the plan: "The Town has implemented development impact fees which apply to any new commercial and residential development in town. Impact fees as specified in Town Code Chapter 150 will be assessed at the time of development of the subdivision lots."

7. At the time of development of each lot the developer will be required to comply with all applicable provisions of the town's construction site runoff and erosion control ordinance (Town Code chapter 151) and the storm water management ordinance (chapter 153), including compliance with the approved storm water

management plan for the subdivision. A note to this effect must be added to the plan prior to recording.

8. Prior to recording the applicant shall secure RIDEM approval of the final plan set, or provide documentation indicating that such additional approval is not required by RIDEM.

Findings of fact:

1. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

2. The proposed development is in compliance with the standards and provisions of the Town zoning ordinance.

3. There will be no significant negative environmental impacts from the proposed development.

4. The subdivision will not create lots where physical constraints would make building on the lots impracticable.

5. All subdivision lots shall have adequate and permanent physical access to a public street.

Vote: 6-0-0.

Motion to adjourn by Mr. Weber, seconded by Mr. Ciummo. Vote: 6-0-0.

Meeting adjourned at 7:50 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director