

**TIVERTON PLANNING BOARD  
MINUTES OF MEETING  
June 4, 2013**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:04 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Peter Corr, David Holmes, Peter Moniz and David Saurette. Board member Carol Guimond was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, consulting engineer Deirdre Paiva of Commonwealth Engineers and Consultants and the Planning Board's Solicitor David Petrarca, Esq. (substituting for Pete Ruggiero, Esq.).

**1. Joseph Ruggiero – 1 Nyatt Point – Barrington, RI 02806 – Twelve (12) Lot Major Subdivision (Road Required) – Rural Residential Development – Final Plan Review – W/S North Brayton Road, North of Leger Lane – R-60 Zoning District – Plat 219 / Lot 144 – Abigail Estates Continued from May 7, 2013 – (Time Clock = 7/12/2013) – Preliminary Plan Approved May 3, 2013** No one was present on behalf of the petition. The surety estimate for the subdivision had been submitted that day and had not been reviewed by Mr. Berlucchi or Ms. Paiva. Copies of the surety estimate and the stamped and signed Final Plan were distributed to the Board members. No action could be taken without a thorough surety review. The Chair noted that the time clock would expire on August 12, 2013, which was prior to the next Planning Board meeting date of August 16, 2013. He suggested that a ninety (90) day extension of the time clock was needed, and that the Board would have no choice but to deny the application without an extension due to the outstanding items.

Mr. Saurette made a motion to extend the time clock for ninety (90) days, subject to the concurrence of the applicant. However, if the applicant did not concur with the extension, than the petition would be denied based on an incomplete review due to insufficient time. Mr. Holmes seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. *(Note: a written ninety (90) day extension of the time clock was received from the applicant on June 5, 2013 – see file.)*

Since engineer William Smith of Civil Engineering Concepts had not arrived yet for discussion of Items 2 and 3, Mr. Corr made a motion to take Item 4 out of order. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**2. Tiverton Public Library (applicant) – Tiverton Library Realty, Inc. (owner) – c/o Barbara Donnelly – 238 Highland Road – Tiverton, RI 02878 – Site Plan & Design Plan Review – S/S Bulgarmarsh Road; E/S Roosevelt Avenue – General Commercial (GC) & R-80 Zoning District – Small Portion within Stafford Pond Watershed Protection Overlay District – Plat 513 / Lots 127 & 128 – Zoning Ordinance Art. XX – Development Plan Review – New Construction of ≤ 24,000 SF Building – Continued from May 7, 2013 (Time Clock = waived) – Permit Status: RIDEM Pending** Engineer William Smith of Civil Engineering Concepts, architect Douglas Kallfelz of Union Studio and Richard Bixby of the Library Building Committee were present on behalf of the petition. Mr. Smith noted that the RIDEM (Rhode Island Department of Environmental Management) permit was still pending, and the RIDOT (Rhode Island Department of Transportation) PAP (Physical Alteration Permit) had not been issued yet but would be shortly and reviewed Commonwealth's comments (see file for letter dated June 3, 2013) comment by comment.

Mr. Smith requested a waiver from the 1% minimum pipe slope requirement. The waiver would apply to drainage pipe, as depicted on the plans. Ms. Paiva expressed concern regarding the grading plan, and the potential for water to pond at the site entrance. Mr. Moniz expressed a concern regarding flooding with heavy rainfall. Ms. Paiva stated that she found the drainage plan to be acceptable, with one area needing some minor correction.

Mr. Moniz asked if the project would have a construction manager. Mr. Kallfelz replied that Behan Brothers had been selected as construction manager through an RFP (Request for Proposals) process. Mr. Saurette asked why a construction manager approach had been taken instead of "hard bids". Mr. Kallfelz replied that the intent was to allow the construction manager to help with pricing during the design process, and to vet the numbers.

The Chair asked the Board if they would like to see the applicant return for another meeting. Ms. Eva stated that she would like to have the final plan set stamped and signed by the Chairman, and signed off by Commonwealth.

Mr. Corr inquired about the pipe slope waiver request, asking what minimum pipe slope was being requested. Ms. Paiva advised that a minimum slope of 0.5% would be sufficient. Mr. Moniz made a motion to reduce the minimum pipe slope from 1% to 0.5%. Mr. Hardy seconded the motion. A discussion ensued regarding drainage and grading. Mr. Saurette asked why a depression was being created rather than introducing fill to raise the grade slightly. Mr. Smith stated that he would look at the design. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

Mr. Moniz expressed concern regarding public safety issues, and asked if the plan would be reviewed by the Fire Department prior to issuance of a building permit. Ms. Michaud replied in the affirmative.

Mr. Hardy made a motion to make a positive recommendation to the permitting authority (the Building Official), conditional upon corrections as noted by Commonwealth and receipt of all applicable permits from RIDEM and RIDOT. Adding that any substantive changes to the plan would require the applicant to return to the Planning Board for a revised approval. Mr. Holmes seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**3. Harkins Stafford Pond, LLC – c/o Harkins Development – 1907 East Main Road – Portsmouth, RI 02871 – Sixteen (16) Lot Major Subdivision (Roads Required) – Rural Residential Development – Preliminary Plan – Re-Advertised and Re-Noticed – Plat 216 / Lot 106 (Former: Map 4-9 / Block 113 / Card 103) – N/S Bulgarmarsh Road, West of Stafford Road – S/S Stafford Pond – R-60 Zoning District – Stafford Pond Watershed Protection Overlay District – Stafford View Farm (Time Clock Started 3/27/2012) Continued from May 7, 2013 (Time Clock = 08/15/2013)– Permit Status: RIDEM Pending**

Attorney Jeremiah Leary, engineer William Smith of Civil Engineering Concepts and applicant / owner Christopher Harkins of Harkins Stafford Pond, LLC were present on behalf of the petition. Mr. Leary stated that the State permits had not been received, but that there had been progress. Mr. Smith stated that he had gone to RIDOT (Rhode Island Department of Transportation) that day to discuss the PAP (Physical Alteration Permit) application. He stated that a letter from the Town was needed regarding sidewalk maintenance along Bulgarmarsh Road adding that he would coordinate with the Board's solicitor and Mr. Leary regarding the language of the letter.

Mr. Smith stated that RIDEM (Rhode Island Department of Environmental Management) was also requiring a letter from RIDOT stating that they agree to be co-applicants with regard to the construction occurring within the State's right of way. This letter has been generated and submitted to RIDOT for signature. Mr. Smith stated that the RIDEM technical review had occurred, and that a draft comment letter had been received by the applicant. Mr. Smith stated that RIDEM agreed with the substance of the plan, but that some additional phosphorus testing was being required. Mr. Smith stated that the testing had been scheduled and that he was waiting for a biologist's review.

Mr. Smith stated that he had spoken with a landscape architect regarding a tree preservation plan, and that some plantings would be added to the area near the detention basin. A stamped, signed plan would also be submitted.

Mr. Leary requested a continuance to the July 16<sup>th</sup> meeting, and agreed to extend the time clock to September 15, 2013. Ms. Eva made a motion to accept the time clock extension to September 15, 2013. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

The Chair noted that the Public Hearing was still open and invited questions and comments from the audience. Sally Black, 64 Broadview Drive, inquired about the number of units. Mr. Smith replied that there were sixteen (16) proposed. Ms. Black asked if they were all single-family dwellings. Mr. Smith replied in the affirmative.

Mr. Hardy made a motion to continue this petition to the July 16, 2013 meeting with the Public Hearing to remain open. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

#### **4. Town Planner & Administrative Officer**

This item was taken out of order, before Items 2 and 3.

**A. Administrative Officer's Report** Ms. Michaud's April Report had been distributed.

#### **B. Town Planner Items**

**1. Update: Challenge Grant Project** Ms. Michaud stated that a meeting was scheduled for June 6<sup>th</sup> with Statewide Planning, the Cecil Group and Town Solicitor Andrew Teitz to discuss Statewide Planning's initial comments. She stated that she would report back on progress.

**2. Update: Stone Bridge Abutment Repairs** There was nothing to report. The Town was waiting for submission of a 30% design by the project engineer, VHB.

#### **C. Miscellaneous**

**1. Watershed Protection Overlay District – Set Workshop Date** A joint workshop with the Conservation Committee was scheduled for June 18, 2013 at 7:00 PM at Town Hall.

**2. Town Council Wind Energy Workshop – July 29, 2013** The Town Council's workshop was announced; details will be forwarded when received from the Town Council or Town Clerk.

#### **5. Tiverton Planning Board**

**A. Referred from Town Council: Healthy Haven / Kathleen Thiboutot – Request for Zoning Amendment RE: Signage (no language proposed)** Petitioner/business owner Kathleen Thiboutot was present. She stated that she had opened her store, Healthy Haven, approximately five and a half years ago and that the store has no window exposure. She has a sign on the north side of the building (which also houses several other businesses) and would like to place an identical additional sign on the south side of the building to increase visibility for people traveling north on Main Road. (The building is located on a corner lot.) She noted that an awning on the building also includes the lettering "Healthy Haven".

Mr. Hardy stated that he had visited the site, and had noted that there was a very visible "A" frame sign out front. He opined that the problem was the layout of the building. He stated that he was concerned that changing the ordinance to allow for additional signage would have unintended consequences.

Mr. Saurette asked if Ms. Thiboutot had considered applying for relief from the Zoning Board. Mr. Hardy stated that he would be willing to make a positive recommendation to the Zoning Board if a petition is filed. Ms. Michaud agreed to help Ms. Thiboutot with obtaining the necessary paperwork. There were no votes taken.

**B. Legislation – H6167: Subdivision of Land / Other Bills of Significance – Status, Discussion and Possible Response of the Board** Ms. Eva expressed her concern that local legislators had not asked for local input on bills that would have an effect on planning and zoning issues. Mr. Hardy suggested that a letter to the local legislators should be drafted to express this concern, with a copy to the Town Council. By consensus, the Board agreed and authorized Ms. Michaud to draft the letter. She stated that she would consult with the Chair and Mr. Hardy regarding content. It was noted that it should be a general correspondence, since the bill text had been changing so quickly.

**C. Correspondence** Correspondence from Highland Road property owner Phyllis Peterson and Susan McCormack of Leger Lane (abutter to proposed Leger Estates) was distributed with no discussion.

**D. Miscellaneous**

1. Mr. Hardy inquired about next steps for the Tiverton Crossings application. He asked if the proposed changes to Zoning would be discussed, and if the Cecil Group's work on the Challenge Grant project could be incorporated. Ms. Michaud noted that the Planning Board was waiting for the applicant (Carpionato) to request another meeting, and that the Cecil Group's work did not directly apply to this parcel. However, the Cecil Group would be consulting on Tiverton Crossings as well.

2. Ms. Eva inquired about the status of the Watuppa Plantations subdivision Mr. DeMello was to have informed the Board on his pending litigation regarding the sewer line through Countryview Estates. Ms. Michaud replied that Mr. DeMello had been successful and the plans had not been corrected yet and the subdivision still remains unrecorded at this time. Surety had not been posted and would be required prior to recording.

3. Ms. Eva asked the Chair if it was possible for him to finalize the agenda earlier, in order to allow for more review time by the Board members.

**E. Approval of Minutes:**

**April 2, 2013** Mr. Hardy made a motion to approve the minutes. Mr. Holmes seconded the motion. The motion passed 6-0-2. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Holmes and Mr. Moniz voted in favor of the motion. Mr. Corr and Mr. Saurette abstained since they were absent on April 2<sup>nd</sup>.

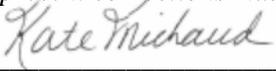
**April 8, 2013** (Joint Workshop with Town Council) Ms. Eva made a motion to approve the minutes. Mr. Holmes seconded the motion. The motion passed 4-0-4. Mr. Hughes, Mr. Hardy, Ms. Eva, Mr. Holmes, voted in favor of the motion. Ms. Cote, Mr. Corr, Mr. Moniz and Mr. Saurette abstained since they were absent on April 8<sup>th</sup>

**April 29, 2013** Mr. Hardy made a motion to approve the minutes. Ms. Eva seconded the motion. The motion passed 7-0-1. Mr. Hughes, Mr. Hardy, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. Ms. Cote abstained since she was absent on April 29<sup>th</sup>.

**May 7, 2013** These minutes were not ready.

**F. Adjournment:** Ms. Eva made a motion to adjourn. The motion was seconded by Ms. Cote. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Corr, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. The meeting adjourned at 8:55 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by:   
Kate Michaud, Clerk

Approval Date: September 3, 2013