

**TIVERTON PLANNING BOARD  
MINUTES OF MEETING  
October 7, 2014**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:02 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell and Peter Corr. Member David Saurette was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, engineering consultant Deirdre Paiva of Commonwealth Engineers and Consultants, Director of Public Works Stephen Berlucchi and David Petrarca, Esq., substituting for Planning Board's Solicitor, Peter Ruggiero, Esq.

**1. Roger Williams University Community Partnership Center – c/o Arnold Robinson, AICP** Mr. Robinson stated that he was present as a follow up to the presentation to the Town Council on September 8, 2014. He stated that he would be reviewing the charrette process that was followed for the CPC (*Community Partnership Center*) project studying the reuse of the Seaside Gas Station parcel at Stone Bridge. He noted that a summer course titled "Community Engaged Design" performed the study and that the class was made up of graduate students in the fields of law, architecture, historic preservation and engineering. The purpose of the project was to determine what the townspeople would like to see on the site and to articulate the opinions of the townspeople. Mr. Robinson noted that in approximately 3 to 4 weeks the full documentation of the project would be submitted to the Town.

Mr. Robinson presented a PowerPoint, including information regarding baseline site information, demographics, the condition of the existing structure and an assessment of the beach and parking area. Several key points were highlighted including:

- Integration in key – The beach, gas station, abutment, neighborhood and Independence Park must all be integrated.
- Pedestrian, bathing and fishing areas should be separate and demarcated.
- The fishing area should be improved utilizing national best practices.
- The choice must be made between:
  1. The value of the view corridor, or
  2. The role of the site as an activity center.

The Chairman asked how much more detailed the report would be. Mr. Robinson replied that it would contain survey data, precedence, charrette outputs and sketch plans. Ms. Eva asked if it would be available electronically. Mr. Robinson replied in the affirmative, stating that a .pdf and .jpg files would be made available. Audience member Jonathan Cottrell asked what type of restrooms would be recommended. Mr. Robinson replied that facilities that were slightly larger and more cleanable would be recommended. He stated that facilities in California and Michigan had been reviewed, which were "hose down" facilities.

Harbor Commission Chairman Bruce Cox stated that Open Space Chairman Brian Janes had stated at the charrette that RIDEM (RI Department of Environmental Management) preferred that the site not be disturbed. Town Council member Joan Chabot asked what the use of the property was prior to the construction of the current building in 1971. Ms. Eva stated that it had a variety of uses, such as a variety store and mechanic. She noted that these buildings were destroyed by hurricanes. Ms. Chabot asked if funding sources had been identified. Mr. Robinson replied that Providence and Westerly had used *charitable* foundations to fund architectural work.

Mr. Berlucchi asked if there could be a public beach without public bathrooms. He opined that the existing bathrooms at the beach must move due to sea level rise concerns. Ms. Eva asked if Gadsby Way, a paper street on the opposite side of Main Road, had been studied. Mr. Robinson replied that they had not had a chance to work on it.

The various scenarios were reviewed, as depicted on presentation boards. Mr. Robinson noted that elements of the scenarios could be mixed and matched. The basic options included removing the building and leaving the area as passive open space, remodeling the existing building for lease or active use or building a new structure for beach supportive services. Included in any of these options could be a clear demarcation and improvement of the fishing area, with waste disposal facilities, and a reconfiguration of the parking area to limit the areas where parking is allowed.

Mr. Hardy opined that all of the scenarios fall within the framework of the Comprehensive Community Plan. He suggested that a hybrid of scenarios would probably yield the best output. Mr. Hardy stated that two primary issues should be investigated, including:

- Evaluate the capacity of the septic systems, both for the gas station building and for the beach facilities, and
- Inquire with RIDEM as to any limitations on removing the impervious surface on the gas station property.

Mr. Hardy suggested that once those questions have been answered, a workshop should be held to discuss options. The Planning Board members agreed with Mr. Hardy by consensus.

**2. Jonathan and Rebecca Cottrell – 35 Main Road – Tiverton, RI 02878 – Design Plan Review – Zoning Board Approval Required – Construction of Second Floor Addition to Existing Building – New Area to Contain Six (6) One-Bedroom Dwelling Units – First Floor to Remain Commercial – Plat 101 / Lot 118 – W/S Main Road, E/S Audet Street – Traditional Main Street (TMS) Zoning District – Continued from August 5, 2014**

Jonathan Cottrell and architect Melissa Hutchinson were present on behalf of the petition. The Chairman stated that the applicant had been asked for a survey at the last meeting, which was provided. Ms. Hutchinson stated that the plans were unchanged, but more information had been supplied. She presented the Board with samples of exterior building materials. She stated that the exterior massing would be broken up by utilizing different materials, including a board and batten and shingles. Ms. Eva asked if the footprint of the building would be extended. Ms. Hutchinson replied in the negative, adding that an overhang would be added. Ms. Eva suggested that the survey needed updating to include the proper zoning district information.

Mr. Berlucchi asked how the parking configuration would work if the lot to the north was sold. (It was currently owned by the Cottrell's, and was used to access some of the off-street parking spaces.) Ms. Eva noted that these spaces were needed to meet the zoning required 20 spaces. Ms. Hutchinson stated that parking on the site could be reconfigured if it was necessary, but that the configuration depicted was what was preferred by the applicant. Mr. Corr asked if an easement could be provided to guarantee access to the spaces in question. Mr. Petrarca noted that the ownership for both properties is the same, and an easement cannot be in the same name.

Mr. Hardy opined that the design proposed was attractive, and reflected what the Board was looking for in this area. He suggested that this petition should move forward. Ms. Gill asked what would happen if the Zoning Board changed the lot layout during its review. Ms. Michaud stated that the Planning Board was acting in an advisory capacity to the Zoning Board, and that the Planning Board was being asked to approve the Design Plan. Ms. Guimond noted that the Zoning Board would look at parking. Mr. Hardy stated that the discussion on parking could be included in the recommendation to the Zoning Board. The Chairman opined that the applicant can lay out the spaces however he wants, as long as the requirement is met.

The Review Guidelines for a Design Plan were read aloud, Zoning Ordinance Article XX, Section 6b. Mr. Hardy made a motion to make positive finding on all seven (7) guidelines reviewed. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. Mr. Hardy made a motion to make a positive written recommendation to the Zoning Board citing the positive findings, with corrections to the plans as noted. Mr. Campbell seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

**3. Daniel B. & Elizabeth Rocha – 427 Fish Road – Tiverton, RI 02878 – Final Plan Review – Two-Lot Minor Subdivision (Existing house plus one lot) – 427 Fish Road – Plat 112 / Lot 258 – W/S Fish Road, E/S Richard Drive – R-30 Zoning District (Zoning Board Relief Granted – August 6, 2014) – File Number: MN03-14 – Time Clock: 45 Days from Date of Certificate**

Applicant Daniel Rocha and engineer Todd Chaplin of Mt. Hope Engineering were present on behalf of the petition. Mr. Chaplin noted that this petition received conditional Preliminary Plan approval on August 5, 2014. Zoning Board approval had been granted, and Mr. Chaplin stated that he would add a note to the plan referencing the approval. Mr. Chaplin stated that the septic system design had been approved by RIDEM (RI Department of Environmental Management). Mr. Chaplin reviewed the comments on the Certificate of Completeness noting that the utilities from Richard Drive would be underground and drill holes would be used at the lot corners. He noted that written approval from Mr. Berlucchi was required and that the applicant would like to pull a building permit soon. Ms. Eva noted that the title blocks must reference the same names (Daniel vs. Daniel, Jr.).

Ms. Michaud stated that the plan would need to be recorded before a building permit could be issued. If the improvements were not being completed prior to recording, a performance guarantee (“surety”) would be needed.

The Chairman asked if Mr. Chaplin had an estimate for the cost of improvements. Mr. Chaplin replied that it was approximately eighty (80) linear feet of improved area. Mr. Berlucchi inquired about the angle point of the drain line, asking how it would work without a manhole. Mr. Rocha replied that they would not know the layout of the existing line until they dig it up. Mr. Berlucchi stated that if there was an angle, a manhole would be required.

Mr. Berlucchi, Mr. Chaplin and Mr. Rocha discussed surety. Mr. Berlucchi estimated the work at \$5,000, to be doubled to \$10,000, without the drainage. Mr. Chaplin stated that there was approximately one hundred and twenty (120) feet of drainage involved. Mr. Berlucchi gave a total estimate of \$20,000. Mr. Hardy made a motion to set surety at \$20,000. Ms. Guimond seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

The Chairman reviewed the required findings as written in Land Development and Subdivision Regulations Section 23-45. Mr. Hardy made a motion to make positive findings. Mr. Campbell seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

Mr. Hardy made a motion to grant Final Plan approval, with corrections to the plan for recording as noted. Ms. Guimond seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

**4. Stephen & Ann Chace – 115 Nanaquaket Road – Tiverton, RI 02878 – Final Plan Review – Two-Lot Minor Subdivision (No Road Required) – Rural Residential Development (One House Existing) – Plat 401 / Lot 106 – W/S Nanaquaket Road, E/S Sakonnet River (115 Nanaquaket Road) – R-80 Zoning District – File Number: MN04-14 – Time Clock: 45 Days from Date of Certificate**

Engineer Todd Chaplin of Mt. Hope Engineering and owner/applicants Stephen and Ann Chace were present on behalf of the petition. Mr. Chaplin noted that the septic system design had received RIDEM (RI Department of Environmental Management) approval. He noted that the Certificate of Completeness had called for the size of the existing structure and noted that the garage was 18’ x 24’, the shed was 8’ x 8’ and the house was approximately 88’ x approximately 36’. Ms. Michaud suggested that the square footage could be noted on the plans instead of the dimensions. Ms. Eva stated that the applicant should add the book and page number to the Mills plan that is referenced. The Chairman inquired about the deed restriction on further subdivision. Mr. Chaplin replied that he would add a note regarding the restriction and that he would add a purpose statement to the plan. Ms. Michaud noted that the tax certificate had been received.

The Chairman reviewed the required findings as written in Land Development and Subdivision Regulations Section 23-45. *Mr. Hardy made a motion to make positive findings.* Mr. Corr seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

Mr. Hardy reviewed the corrections to the plan, including:

- Add the square footage of existing structures,
- Adjust the side yard setback for Lot 1,
- Add the book and page number of the Mills plan in the references,
- Include a note prohibiting further subdivision, and
- Include a purpose statement.

He also noted that legal counsel would need to approve the deed restriction language. Mr. Hardy made a motion to grant Final Plan approval with the corrections as noted. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

**5. Randy Lebeau – 404 Main Road – Tiverton, RI 02878 – Site Plan Review and Design Review – New Construction – 8,000 Square Foot Steel Prefabricated Building and Associated Parking and Infrastructure – Plat 117 / Lot 224 – W/S Main Road, S/S Haskins Avenue – Neighborhood Business (NB) District** Owner / applicant Randy Lebeau and Neal Hingorany of Naragansett Engineers were present on behalf of the petition. The Chairman noted that two (2) Ad-Hoc Technical Review Committee meeting have been held to discuss this item (April 30, 2014 and September 8, 2014). He stated that changes were made to the plans in accordance with the recommendations of the TRC. Mr. Hingorany stated that the most significant change was a shift of the building away from the Main Road right of way and a reduction in the number of parking spaces. He noted that the building would contain a 2,500 square foot retail store and a 5,500 square foot shooting range. He added that the RIDEM (RI Department of Environmental Management) approved the OWTS (Onsite Wastewater Treatment System) design.

Mr. Lebeau stated that an entry door had been added along the Main Road frontage. A building model was displayed, with Mr. Lebeau noting that the TRC had recommended a 3-pitch roof. He stated that he could not afford the \$50,000 upcharge, but that he could do a green colored roof. He stated that the standard metal building roof is a 1-pitch, noting that the building's dimension was 160 feet by 50 feet. Mr. Lebeau stated that there would be five (5) false windows on the front (Main Road side) of the building, two (2) real windows and the entrance door.

The Chairman inquired about the parking. Mr. Hingorany replied that he was working with RIDEM regarding the potential for gravel parking, but asphalt might be required. Mr. Hardy asked if paving blocks could be considered, adding that it appeared that the detention area was over engineered. Mr. Hingorany stated that a goal had been to minimize the paving and to cost save, but that there were technical issues to consider. Mr. Corr noted that if the septic system location was shifted there would be space for future expansion of the parking area.

The Chairman asked if there were any comments from Commonwealth. Ms. Paiva stated that a RIDOT (RI Department of Transportation) PAP (Physical Alteration Permit) would be required, as part of the site drains to Main Road. She noted that the drainage calculations would need to be separated by the engineer.

Mr. Berlucchi noted that the five (5) foot radius curb at the entrance seemed tight. Mr. Hingorany agreed, stating that he would provide the specification. The Chairman inquired about the letter of availability from the water department (North Tiverton Fire District). Mr. Lebeau stated that he would provide the letter. Mr. Hardy inquired about the distance to the nearest house. Mr. Hingorany replied that it was eighty (80) or ninety (90) feet, pointing it out on the plan.

The Chairman inquired about the metal surface of the building. Mr. Lebeau replied that it would be tan, with a flat baked finish. Mr. Berlucahi noted that the roof pitch was basically flat, asking if the snow load had been considered. Mr. Lebeau replied that it would meet code. Ms. Gill noted that at the TRC, there had been discussion about breaking up the appearance of the façade with different colors. Mr. Lebeau replied that he would be willing to do this. He added that there would be a wood overhang on the false window boxes. The boxes would be approximately four (4) feet by six (6) feet.

Ms. Eva asked Mr. Lebeau to explain the HVAC system. Mr. Lebeau replied that he would use the same company as the Tiverton Rod & Gun Club, and that Action Target would perform the maintenance. He stated that the outdoor HVAC component would be located in the rear of the building, in an area fenced in with solid vinyl fence. Ms. Eva suggested adding plantings to muffle any mechanical noise. Ms. Eva noted that Naragansett Engineering's response to comments was not signed and was not on letterhead.

The Chairman asked about lighting. Mr. Lebeau replied that down lighting would be used. Mr. Berlucahi inquired about the roof drains at the front of the building. Mr. Hingorany replied that the leaders would connect to the detention pond.

Ms. Eva inquired about signage. Mr. Lebeau replied that the sign would read "Sakonnet River Outfitters" and that it would conform to the Zoning Ordinance requirements. The Chairman stated that it would be helpful to see an example of what the sign would look like.

Ms. Paiva inquired about the overhead door on the south side of the building, noting that there was no access provided to the door. Mr. Lebeau stated that it would be used for storage and that access was not necessary. Ms. Paiva opined that the plans were not sufficient for construction, noting that grading information was missing including the sidewalk grade to Main Road. Mr. Hingorany replied that spot grades were needed. Ms. Paiva stated that the plans must depict the path of the drainage. She also noted that the emergency outflow of the pond is to the abutting parcel, but that the pre-construction condition discharges to the road. She suggested that a swale could be added, but that without spot grades it was impossible to tell if it would work. Ms. Paiva suggested that the spillway should be shifted completely to spill to Haskins Avenue.

Mr. Lebeau stated that he would redo the scale model to depict a 1-pitch roof, and that the Planning Board could pick the colors of the building. Ms. Eva noted that the abutting zone must be noted on the plan. Mr. Berlucahi stated that a screen should be provided around the dumpster area. Mr. Lebeau replied that he would screen with fencing. Ms. Paiva noted that a planting plan would require a stamped and signed landscape plan by a landscape architect. Mr. Hardy opined that this was not necessary.

Ms. Eva made a motion to continue this item to the November 18, 2014 meeting. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

**6. Campanelli Properties of Tiverton – c/o Jeremiah Leary, Esq. – 1340 Main Road – Tiverton, RI 02878 – Request for Release of Surety (\$428,000) and Replacement with Maintenance Surety (\$37,500) – Cottrell Farms Major Subdivision – Phases I & II – W/S Fish Road, South of Route 24, Cottrell Road & Alexandra Circle – Town Council Accepted Public Improvements on 8/25/14** Attorney Jeremiah Leary and Ralph Campanelli of Campanelli Properties of Tiverton were present on behalf of the petition. Mr. Leary noted that an agreement had been reached for the applicant to provide a cash maintenance surety for a term of four (4) years. The written agreement had been submitted and edited by Mr. Ruggiero, and a signed copy was submitted to the Board Chairman for his signature and the signature of the Town Treasurer. Ms. Michaud noted that the Treasurer had not been available to review and approve the agreement yet.

Mr. Leary stated that the public improvements had been accepted by the Town Council. He also stated that the Homeowner's Association had taken up the liability insurance and the landscaping and had held two meetings. He added that he had recommended that the Association remain unincorporated. Ms. Eva asked if there would

be a filing with the Town regarding the Association. Mr. Leary replied that there was a recorded Declaration that contained the requirements of the Association, and that there were deed references. Ms. Eva suggested that the Association should be registered through the Town Clerk's office. Mr. Leary stated that the Board could contact resident Bill Enos for more information.

Mr. Hardy made a motion to release the \$428,000 surety conditional upon the submission of the \$37,500 cash escrow payment in accordance with the escrow agreement. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Berlucchi asked Mr. Campanelli to provide contact information and to keep that information updated. Ms. Gill asked for the Planning Board to be notified of any expenditure out of the account. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond and Mr. Corr voted in favor of the motion. Mr. Campbell did not vote, since he left the meeting during the discussion of the vote.

## **7. Referred by Tiverton Town Council**

- A. Earth Removal Ordinance – Comment on Revised Draft – Town Council Public Hearing Continued to 10/27/2014** Attorney Lawrence McCarthy, corporate counsel for JH Lynch d/b/a Tiverton Materials was present and asked to be heard. The Chairman allowed him to address the Board. Mr. McCarthy stated that a 1973 State Law allowed for the adoption of the Town's Earth Removal ordinance and that the Town could not change the definition of "earth removal" as it is stated in the enabling legislation. Mr. McCarthy stated that Town Solicitor Andrew Teitz had agreed that the definition could not be changed and that Mr. Teitz had added a new definition for "on-site processing".

Mr. Hardy recommended that the Board not take a position on this matter, as it was a legal issue beyond the purview of the Board. Mr. McCarthy stated that the Earth Removal ordinance was passed to address concerns regarding property owners stripping topsoil and loam. Mr. Petrarca stated that his office had not discussed this issue with Mr. Teitz. He suggested that the Board could choose to look at the changes proposed by Mr. Teitz without commenting on the Town's authority to regulate. He stated that the Board could also choose not to comment on the revisions at all.

Ms. Eva stated that she would prefer to see the hours of operation remain as the Planning Board recommended: 7:30 AM to 5:00 PM. (Mr. Teitz's draft amended the hours of operation to 7:00 AM to 6:00 PM.) She also noted that there was a typographical error that required correction.

At this time, Mr. Corr left the meeting.

Mr. Petrarca briefly reviewed the issues with quarrying in Charlestown. Mr. Hardy made a motion to notify the Town Council that the Board had reviewed the draft, and recommended that the hours of operation are changed back to 7:30 AM to 5:00 PM and that grammatical or typographical errors should be corrected. He also stated that the Board would like to call to the Town Council's attention the need to approach the General Assembly to make necessary changes to the enabling legislation. Ms. Gill seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill and Ms. Guimond voted in favor of the motion. (Mr. Corr and Mr. Campbell were not present.)

- B. RIDOT Offer to Sell – Quaker Avenue Extension – Recommendation to Town Council Regarding Offer** Mr. Berlucchi stated that the extension of Quaker Avenue was constructed by RIDOT at the request of former Town Administrator James Goncalo. It was noted that there was a right of first refusal to the property owners who had owned the property prior to the State's taking in the 1950's for the construction of the first Sakonnet River Bridge. Ms. Cote stated that she did not think that the previous property owners had been notified of their rights. Mr. Hardy made a motion that, in light of the ownership issues and the dubious benefit and the costs associated with executing a purchase agreement, the Planning Board does not recommend purchasing the subject piece of property. Mr. Hughes seconded the motion. The motion passed 5-0-1. Mr. Hughes, Mr. Hardy, Ms. Eva, Ms. Gill and

Ms. Guimond voted in favor of the motion. Ms. Cote abstained from the vote. Mr. Campbell and Mr. Corr did not vote, since they had left the meeting.

- C. Re-designation of Enterprise Zone – Review for Consistency with the Comprehensive Community Plan – Remove Census Tract 417.02 (map distributed) – Town Council Public Hearing Scheduled for 10/27/14 – Completed Application Due to State 11/14/14** After a very brief discussion regarding the Enterprise Zone, Mr. Hardy made a motion to remove Census Tract 417.02 from the Tiverton Enterprise Zone re-designation application. He stated that Census Tracts 416.01, 416.02 and 417.01 would be included and that the application with regard to these tracts is consistent with the Comprehensive Community Plan. Ms. Gill seconded the motion. The motion passed 6-0. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill and Ms. Guimond voted in favor of the motion. Mr. Campbell and Mr. Corr did not vote, since they had left the meeting.

**8. Town Planner & Administrative Officer** This item was not heard due to a privileged motion to adjourn. These items were continued to the next regular meeting of the Planning Board.

- A. Administrative Officer's Report
- B. Miscellaneous

**9. Tiverton Planning Board**

- A. Solicitor's Report This item was not heard due to a privileged motion to adjourn. This item was continued to the next regular meeting of the Planning Board.
- B. Miscellaneous There was no miscellaneous discussion.
- C. Approval of Minutes: This item was not heard due to a privileged motion to adjourn. This item was continued to the next regular meeting of the Planning Board.

**July 15, 2014**

**August 5, 2014**

**August 19, 2014**

**September 2, 2014**

**September 23, 2014**

**G. Adjournment:** Due to the late hour and immediately following agenda item number 7, Ms. Eva made a motion to adjourn. The motion was seconded by Mr. Hardy. The motion passed 6-0. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill and Ms. Guimond voted in favor of the motion. Mr. Campbell and Mr. Corr did not vote, since they had left the meeting. The meeting adjourned at 11:00 P.M.

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

Submitted by:   
Kate Michaud, Clerk

Approval Date: June 2, 2015