

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
BARRINGTON PLANNING BOARD

PRELIMINARY PLAN  
COMPREHENSIVE PERMIT  
APPLICATION FOR PALMER POINTE

**ORIGINAL**

Barrington Town Hall

April 5, 2016

7:00 P.M.

**Heard before:**

Larry Trim, Chairman  
Timothy Lang  
Adam Streit  
Anne Galbraith  
Edgar Adams  
Christine O'Grady

**Philip Hervey**  
Goins, Town Solicitor

GERALDINE M. MEENAN, RPR  
COURT REPORTER - SUPERIOR COURT

**TOWN OF BARRINGTON PLANNING BOARD****APRIL 5, 2016**

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2  
3 THE CHAIRMAN: We will call the April 5, 2016  
4 Planning Board meeting to order. We'll start by roll  
5 call. I'm going to have the Board members introduce  
6 themselves starting with my left.

7 MR. LANG: Timothy Lang.

8 MR. STREIT: Adam Streit.

9 CHAIRMAN TRIM: Larry Trim, Chair.

10 MS. GALBRAITH: Anne Galbraith.

11 MR. ADAMS: Edgar Adams.

12 MS. O'GRADY: Christine O'Grady.

13 (Planning board business at this time unrelated to  
14 Palmer Pointe hearing)

15 THE CHAIRMAN: We're going to roll right into the  
16 public hearing. This public hearing is preliminary plan  
17 comprehensive permit application for Palmer Pointe  
18 neighborhood. I'll start off by saying, and a lot of you  
19 have heard this before, but we have -- we're recording  
20 this and we have a court stenographer. Just speak  
21 clearly. Every time you come up to the mic, please state  
22 your name and your address. I'm going to introduce our  
23 counsel, who is going to catch us up on this application.

24 MS. Thank you, Mr. Chair. So as the Board is  
25 aware, the Board granted Master Plan approval to this

1 proposed development back in 2013, and that decision was  
2 appealed to the Superior Court, and the Superior Court  
3 upheld the Board's decision on appeal in a decision  
4 issued in fall of 2014.

5 So one of the primary issues on appeal of the Master  
6 Plan decision was the density of the proposed  
7 development, and this development includes 40 new  
8 affordable housing units in addition to two existing  
9 dwellings.

10 So at this stage of review, preliminary review, the  
11 main issues on the table for the Board are detailed  
12 engineering plans, environmental impact such as drainage,  
13 issues such as traffic, and other issues that were not  
14 fully addressed at the Master Plan stage. But in regard  
15 to the proposed unit density, I would advise the Board  
16 that that decision has already been made and approved by  
17 the Superior Court.

18 MR. CHAIRMAN: Thank you very much. With that we're  
19 going to -- let me just tell you a quick little bit how  
20 this is going to go. The applicant is going to make a  
21 presentation. We have a peer review engineer from Pare  
22 who's going to go through some comments. We're going to  
23 have some discussion up here, and then we're going to  
24 open up the meeting for public comment. All right, with  
25 that, here we go.

1 MR. SPINELLA: Good evening, Mr. Chair, members of  
2 the Board. My name is Francis Spinella; my address is  
3 135 Pelham Street, Newport. I'm a consultant to the East  
4 Bay Community Development Corporation, and those of you  
5 who have been involved in this project, we've -- it's  
6 been a while, but we're back. Thank you for your  
7 patience.

8 Since we were here last, there were a list of  
9 conditions set on the Master Plan approval, and we met  
10 all of those conditions and addressed them, and the  
11 architects and the engineers are going to go through  
12 those in great detail. We have Union Studio Architects,  
13 I have Don Powers who's going to present after me, and  
14 he'll go through a power point. And then from Fuss &  
15 O'Neill we have both Shawn Martin and Sam Hemenway who  
16 are going to present. We also have our traffic engineer,  
17 if need be, but the study, I believe, is in the package.  
18 With that, we can get right into it, and leave it to Don.

19 MR. CAPIZZO: I just want to introduce myself,  
20 Mr. Chair, and members of the Board. My name is  
21 Christian Capizzo. I am legal counsel for the East Bay  
22 Community Development Corporation with an office at  
23 Shechtman, Halperin & Savage on 1080 Main Street in  
24 Pawtucket. And I'll be assisting the development team  
25 tonight with their presentation. Thank you.

1           MR. POWERS: Good evening, my name is Don Powers,  
2 I'm the founding principal of Union Studio Architecture  
3 and Community Design located at 140 Union Street,  
4 Providence, Rhode Island.

5           It has been a while since we've been here, and I  
6 thought we would walk through just to set the baseline of  
7 where we started at the Master Plan approval, the sets of  
8 conditions that were placed upon that approval, and our  
9 response to each of those. And at various points during  
10 that presentation I'll hand the microphone to the  
11 relevant consultants who have greater expertise than I do  
12 in those areas.

13           So I just wanted to point out one more time that  
14 Palmer Pointe will be the fourth project that's been  
15 successfully completed by this development team,  
16 including all the consultants, the architect, the owner,  
17 and the contractor. Most of you, obviously, will be  
18 familiar with Sweet Briar as an example, which I think is  
19 a very relevant example to what's going to happen at  
20 Palmer Pointe both in its scale and number of units.

21           Existing conditions of the site, to remind the Board  
22 and the members of the audience, it's the existing Sowams  
23 Nursery off of Sowams Road. This is a look right down  
24 that drive lane into the existing nursery as it stood  
25 when this photo was taken two or three years ago.

1 Another view, a glancing view along the road at one of  
2 the two existing structures that's proposed to be  
3 rehabilitated. One of the points I make with this is  
4 that the view into the neighborhood is relatively  
5 obscured, and I don't believe you would have any way to  
6 understand that it was there unless you actually turned  
7 and drove down this lane.

8 The plan at the top, the rendered plan is the Master  
9 Plan submission from 2013. That plan had 52 units  
10 including the two for sale units that would be renovated  
11 on Sowams Road. The plan at the bottom is our revised  
12 plan. One of the -- some of the elements that have  
13 caused it to be revised is a greater awareness of the  
14 site including the actual flood zone lines, the  
15 determination on the riverbank setback and buffer that  
16 were determined by CRMC, and the final location of the  
17 225-foot building setback, which indicated the extent of  
18 our developable area. Between the 200-foot riverbank  
19 buffer and the 225 building setback is 25 feet of  
20 construction buffer.

21 The proposed site plan. I just want to point out a  
22 couple of things that really are just to confirm points  
23 that were made in the Master Plan submission but have  
24 slightly revised since this new submission. We make the  
25 point that the Orchard Avenue to the -- Orchard Avenue

1 neighborhood to the north, which is the one which will be  
2 primarily impacted by this development, currently exists  
3 at an average density of five units per acre, and in the  
4 developable area of our site, we are ending up at 6.03  
5 units per acre with 40 acres on that parcel that you see  
6 right there. The other two, which are existing, are out  
7 on Sowams Road.

8 MS. GALBRAITH: How many acres on the property?

9 MR. POWERS: I'm sorry?

10 MS. GALBRAITH: How many acres on the property?

11 MR. POWERS: I'm sorry. Forty 40 units on 6.63  
12 developable acres.

13 So as we noted, the unit count, the number of units  
14 in the development as a condition of Master Plan approval  
15 was reduced from 50 to 42 including 40 units on the  
16 multi-family units, and the two single-family units that  
17 existed already. In the disposition of those units  
18 across the size and make-up of them, the revised project  
19 includes ten single-bedroom units. That was a, um, I  
20 believe a desire of the Board to increase the number of  
21 single-bedroom units from the total we had before. That  
22 represents now 25 percent of the low- and moderate-income  
23 units in the development. The remainder of the  
24 development contains 16 two-bedrooms and 14  
25 three-bedrooms, and in the ultimate proportions of twos

1 and threes, it maintains the same -- relatively the same  
2 proportion in the Master Plan that you approved.

3 We've incorporated at the request of the Planning  
4 Board a development buffer. In the earlier scheme we had  
5 the parking areas, which got closer to the property lines  
6 that is currently shown. It's requested that we move all  
7 development, including parking areas out of that buffer,  
8 and now that buffer will consist of swales and a planted  
9 vegetated area for storm water treatment. In addition,  
10 we've added opaque PVC screening privacy fences along the  
11 property boundaries at the north and south, and along the  
12 single-family homes to Sowams Road. The street pavement  
13 width during technical review and then at the  
14 recommendation of the Planning Board, it was requested  
15 that our streets, which had been drawn at 20 feet as a  
16 total drive lane, be increased to 22 feet, and that the  
17 access to the parking, which had previously been 16 feet  
18 be increased to 20 feet, which we have incorporated.

19 So in addition to on street sites, which had been  
20 drawn by 8 feet by 20 feet are now 9 feet by 21 feet, and  
21 all of that is shown in more detail on Sheet CS-101.

22 We had a number of project waivers and we've  
23 attempted to keep that number as small as possible, which  
24 we can outline those in detail in your package and later  
25 at your request, but that updated list of waivers has

1           been developed and is included in your plan materials.

2           At the request of the Planning Board, there have  
3           been easements established including sidewalk and access  
4           easements to allow the town to maintain the sidewalks on  
5           private property and for an open space frontage easement  
6           to allow the public to proceed from the development to  
7           the conservation land that abuts the Palmer River.

8           A storm water maintenance, draft maintenance plan  
9           has been developed and included in the package. It  
10          allows for maintenance and is provided for in the  
11          preliminary plan. And we have been -- there was much  
12          discussion about the sidewalks on Sowams Road, and an  
13          opinion of costs for building sidewalks that were  
14          requested along Sowams Road has been provided in this  
15          package, and has been provided for view by DPW and the  
16          town's peer review engineer.

17          Bike storage is currently called for in the town's  
18          zoning. The required is 20 percent of the off-street  
19          parking at 16 bikes plus one per 40 for a total of 50,  
20          and although I believe there's some discrepancy in the  
21          plan that you're looking at, it's our intent to meet that  
22          required number of bicycle racks on site. Currently  
23          they're located as shown on the plan next to the office  
24          and the laundry facility.

25          The town review, the review fees, we were to provide

1 peer review fees for the town's consulting engineers to  
2 review our preliminary plan submission, including the  
3 revised lots, street building, utilities, storm water  
4 design, sub, drainage calculations, et cetera, and that  
5 has been done.

6 There was discussion about storage for the units  
7 themselves, and in the previous scheme we had shown  
8 attached storage units. Those storage units have now  
9 been incorporated within the volume of the building  
10 itself, and in many cases positioned in a way to increase  
11 the backyard or the back patio privacy. But now every  
12 unit has outdoor storage that would address the concern,  
13 I believe, as I'm recalling correctly, about things like  
14 furniture in the winter and bicycles on the lawns and  
15 things like that.

16 Lighting, it was a condition of approval that the  
17 lighting plan be shown and approved. We had developed a  
18 lighting plan, a photometric plan that's been  
19 incorporated into the design package you have right now  
20 for review by your engineers. In that package of  
21 lighting we've shown both the type of fixture that's  
22 unacceptable and the type of fixture that would be  
23 acceptable as a general note. But we've also shown the  
24 actual fixtures that we intend to show, which are  
25 dark-sky compliant, and correspond to the requirements of

1 the town's zoning ordinance.

2 We're getting into the area where I'd like to hand  
3 it over to the civil engineers, but it should just be  
4 said generally that Phase I and Phase 2 environmental  
5 site assessments for the site were completed by  
6 contractors hired by Rhode Island DEM and U.S. EPA.  
7 Those -- the copies of those are included, and because  
8 this gets a little bit above my pay grade, I'm going to  
9 pass it off to representatives from Fuss & O'Neill to  
10 discuss what the results of that were.

11 MR. HEMENWAY: Good evening. For the record my name  
12 is Sam Hemenway; I'm an engineer with Fuss & O'Neill  
13 Engineers located on Iron Horse Way in Providence. I'm  
14 certainly not going to get too in-depth in this issue.  
15 I'm certainly available here to answer questions, but I  
16 will kind of walk through the steps that have occurred,  
17 where it is in the -- what the process is and where  
18 the -- what the current status is, and also maybe give a  
19 real brief overview of the findings that have occurred so  
20 far.

21 So there are really -- there are four primary steps  
22 that need to be considered as we move forward. The first  
23 is the investigation stage, that is, you know, forming an  
24 analysis, a review of the previous conditions and the  
25 existing conditions to try and ascertain what potential

1 contaminants might be on the site or environmental  
2 conditions may occur on the site that should be addressed  
3 by the project.

4 Phase 1 is effectively a review of record  
5 information, so looking at past uses of the property,  
6 looking at ownership records, doing an inspection of the  
7 property, looking for conditions that might cause a  
8 concern that there might be a release or a condition that  
9 needs to be addressed. That -- those Phase I  
10 investigations were performed in 2014. Again, it was  
11 performed independent of the applicant. It was funded by  
12 EPA, and those findings recommended based on the use, the  
13 historic use of that property as a -- because of the  
14 nursery use, because some of the chemicals associated  
15 with that particular use, that additional investigations  
16 occur. Those Phase 2 investigations are specific  
17 investigations into the conditions that are currently  
18 existing at the property. They would include soil  
19 sampling, further investigations, additional research,  
20 and -- et cetera. Those investigations have similarly  
21 occurred. They were also performed by an outside group  
22 retained by the Rhode Island Department of Environmental  
23 Management.

24 In summary, what -- a couple of things, notable  
25 things were found, and, again, these documents are

1 included in the materials that were submitted.

2 Effectively, it boils down to there are two conditions

3 that are of notable concern. Obviously there are a

4 number of conditions. It's a voluminous study. But the

5 first is the presence of arsenic on the property.

6 Generally, it concluded that the levels of arsenic on the

7 property are consistent with background levels that are

8 throughout the state. So that they are above limits

9 established by the state, but are not uncommon to the

10 area and to the statewide in general. And then a second

11 constituent identified as dieldrin, which is a chemical

12 that was used with nurseries -- anyway, it is isolated in

13 a few small areas on the site. So those areas have,

14 although they've been noted on the property, it's

15 anticipated that additional investigations are needed to

16 narrow it down on the specific area. So there have been

17 some locations identified, and the procedure then is to

18 circle those areas with additional tests to get the full

19 extent of the particular chemical that you're searching

20 for, and then address the process to make a determination

21 on what needs to occur at that point. The next step will

22 be development of an action plan, which has been

23 presented at this point, has been presented to the State

24 for their consideration. They have issued a letter

25 concurring with the general procedures to be established

1 to address the specific concerns that were identified.  
2 In this instance, generally speaking, it falls into two  
3 categories. It is a remove of constituents or an  
4 encapsulation of constituents, and a cover with clean  
5 material such that there is no danger of release of those  
6 chemicals or further migration of those chemicals. In  
7 this instance, the plan is, in fact, for removal of the  
8 dieldrin, which is isolated to very small areas. That is  
9 intended to be removed from the property. Because of the  
10 background levels associated with the arsenic, the  
11 direction is to encapsulate all those areas, the entire  
12 disturbed areas on the property, within a clean cap  
13 material, which is effectively clean fill over the site,  
14 and/or pavement or building foundations, et cetera, so  
15 that there will be a level of soil material at  
16 approximately four to six inches of clean material over  
17 the top of those levels, of those areas. That  
18 remediation process will not occur until the construction  
19 activities are begun, so that the process will include  
20 testing of the materials, isolating, and then, again,  
21 encapsulating.

22 And then the final step will be restrictions  
23 assigned to the property. Again, these conditions  
24 existed before this applicant has done any work. The  
25 conditions that occur out there right now, but there will

1 be restrictions placed on the property to ensure that no  
2 activities occur that would either open up areas that  
3 contain some of those materials, or that no activities  
4 occur on the property that would any -- either folks  
5 living at the property are at risk, or any of the  
6 property in general for additional release.

7 That's kind of the overview of the process. Again,  
8 we can speak to -- respond to questions this Board has,  
9 and as we move forward, if you have any specifics on it.  
10 Again, there's voluminous reports with specific  
11 information that we have that we can -- I'm sure we can  
12 comply.

13 MR. MARTIN: Shawn Martin, Civil Engineer, Fuss &  
14 O'Neill, 317 Iron Horse Way, Providence, Rhode Island.

15 I just want to add a couple of comments to Sam's  
16 discussion about the investigations that have taken place  
17 and the remedial action work plan. The remedial action  
18 work plan and further investigation is going to be funded  
19 by EPA and implemented by its contractor. That plan will  
20 have to be consistent with DEM's regulations, comply with  
21 their remediation standards, and be approved by DEM as  
22 well. Those activities are under way, and ultimately,  
23 the remedial action work plan that gets approved by DEM  
24 will have to be implemented by East Bay CDC as part of  
25 the redevelopment project. And to be clear, on the

1 remedial action work plan, DEM has already maintained in  
2 their voluntary procedural letter that they've  
3 conceptually approved the remedial approach which is the  
4 encapsulation of the arsenic-containing soils and removal  
5 of the dieldrin-containing soils, which is consistent  
6 with the remediation regulations..

7 So I just wanted to point that out. And our  
8 expectation is the encapsulation phase will occur outside  
9 of CRMC's coastal wetlands. You may know, in your  
10 application package and in further discussion later, that  
11 there's a restoration activity that's going to occur  
12 landward of the coastal wetlands. All of that material  
13 will be removed, the site will be encapsulated, as Sam  
14 said, by approved covers which includes four inches of  
15 clean soil material, asphalt pavement, concrete pavement,  
16 and those sorts of things.

17 MR. CAPIZZO: Shawn, can you just elaborate for the  
18 Board who will actually be submitting the remedial action  
19 work plan?

20 MR. MARTIN: Sure. As I mentioned, the remedial  
21 action work plan will be prepared by EPA's contractor and  
22 submitted to DEM for approval.

23 MR. CAPIZZO: Shawn, to the contractor is that,  
24 Noblesse (phonetic)?

25 MR. MARTIN: Noblesse. Noblesse is the contractor

1 that prepared the Phase 2 site investigation report that  
2 was submitted with the preliminary plan application.

3 MR. CAPIZZO: So is it correct that they were  
4 already on site doing the Phase 2 work?

5 MR. MARTIN: That's correct, it's the same  
6 contractor.

7 There were a summary of the DPW comments which came  
8 out of the Master Plan approval. I suppose I'll read  
9 them for the record. That the best management practices  
10 are identified on the application. The sewer service  
11 maintenance will be the responsibility of the owner.  
12 Drainage analysis is included in the application. Road  
13 plan, profile and typical sections are included in the  
14 application. The sewer manholes will conform to town  
15 standards. The Bristol County Water Authority  
16 Association has verified service is available. And our  
17 application conforms to their standards. As-built  
18 drawings will be provided to the town. Inspections will  
19 be formed in accordance with requirements. DPW will be  
20 notified prior to construction. Subsurface infiltration  
21 has been removed. Roof leaders will be discharged at  
22 grade to extent possible to promote treatment. That was  
23 an issue of discussion when we had subsurface detention  
24 tanks. Drainage system has been extended to the western  
25 parking areas. Dumpster areas have been removed from the

1 project in favor of individual roll-out bins, and street  
2 and regulatory signage has been included in the  
3 application.

4           There were Conservation Commission comments that  
5 have been addressed. The plans together with the  
6 findings summarized above have been -- the specific  
7 issues were Phase 1, Phase 2 environmental investigations  
8 would be performed, and they have been. The project does  
9 not require a Nepa (phonetic) filing. Low-income impact  
10 development standards have been incorporated into the  
11 design to a greater extent than I think was implied in  
12 the Master Plan hearing. And that will replicate to the  
13 extent feasible the prior impact of the site on the  
14 adjacent sites. Storm water analysis has been provided  
15 with that application to justify that. Suitable erosion  
16 and sediment control measures are incorporated into the  
17 application, and the project design has incorporated  
18 suitable landscaping buffering to mitigate impact to  
19 adjacent property and reserves. The traffic impact  
20 analysis, which you'll find in your packet, and we have  
21 people here that can speak to that tonight, and we have,  
22 we will provide the master plan application for the fees.  
23 So I wanted to move quickly just to architect character  
24 of the project, because that was somewhat less defined  
25 and it was conceptual in the original Master Plan

1 submission. The general idea of some of these  
2 individuals are from Sweet Briar, but the overall point  
3 that we want to make is that the architecture made up of  
4 traditional forms with family area details that are  
5 derived, local and recently examples in Barrington, in  
6 Rhode Island, and all over southeastern New England. It  
7 will be made primarily of durable materials and  
8 maintenance, not maintenance-free but low-maintenance  
9 materials like Hardie board and Azek cellular PVC trim  
10 which is, when painted, is indistinguishable from wood.

11 The architecture has been developed somewhat further  
12 than the concepts you saw earlier. They've attempted to  
13 remain very simple with simple traditional detailing.  
14 The character, the way to best describe this for those of  
15 you who are familiar, is that the character of the  
16 architecture will be -- would not seem out of place like  
17 Sweet Briar. For the most part the larger footprints  
18 that may have more than one unit have been broken up into  
19 smaller volumes, each with the scale somewhat of -- you  
20 may recall on the Master Plan presentation, I pointed out  
21 that the footprints of the individual buildings, even if  
22 they sometimes they incorporate more than one unit,  
23 generally conform in size to the footprints of the  
24 adjacent units in the Orchard Avenue area, just in terms  
25 of overall footprint. This is a concept, early concept

1 rendering of the way they're grouped to form sort of  
2 pocket neighborhoods and areas of identity for three or  
3 four structures, or five to six units, would form around  
4 the little common neighborhood with pedestrian walks.  
5 The landscape character likewise is derived from the best  
6 local examples, incorporating into it the storm water --  
7 storm quality measures of low-impact design, and they're  
8 primarily designed to enhance the neighborhood and help  
9 define the boundaries that we believe makes community  
10 more likely to thrive, and all of the forms and the  
11 species will be contextual to the East Bay and Rhode  
12 Island in general.

13 One point we want to -- one of the reasons the plan  
14 changed is that we were unsure by survey exactly where  
15 this line (indicating) of existing maple trees was on the  
16 plan. Since then, since the Master Plan approval, we've  
17 had that line of trees surveyed and it affected the  
18 design of the units and their placement so that we could  
19 make sure that we didn't -- that we preserve those. So  
20 this is that line of maples in context looking as it  
21 exists today, and the Master Plan that we had provided  
22 before had our units located too close to those trees to  
23 save them. So the plan has been shifted northward and  
24 the units reconfigured to maintain our setbacks but also  
25 to allow these trees to exist.

1           These are just examples of the types of low-impact  
2 development, and I don't know, Shawn, if you want to step  
3 up and talk more about that in detail, or I can talk  
4 generally about it.

5           Generally, the low-impact development is an attempt  
6 to utilize smaller, incremental swales and depressions to  
7 both retain water in the short term and to improve the  
8 water quality by the filtering action of the swales and  
9 depressions. And we've now been able to do the  
10 engineering to locate those and size those and discuss --  
11 and show what they will be like. For instance, in the  
12 upper left, that linear swale that would happen at the  
13 rear of the units would be something like what you're  
14 seeing in that image in the upper left. And, likewise,  
15 the image in the lower left of these areas that are  
16 depressions that are intended to fill up in heavy rain  
17 events would look something like the image just to the  
18 right of them, which is to say they don't look like much  
19 other than a depression filled with native plants that  
20 are water tolerant.

21           This is an aerial view (indicating) of the existing  
22 Sowams property and technically the lot divisions that  
23 that is comprised of, and this is a subdivision plan  
24 showing the intent as we complete this subdivision, which  
25 is -- the most important point is that the large lot to

1 the right is the conservation subdivision. That will be  
2 not affected and not built in, but would be deeded back  
3 to the town as public access. And you can see connecting  
4 that to the road loop is a public easement that brings  
5 you from the public roadway into that conservation area.

6 I'm going to let you, Shawn, talk about -- this  
7 represents an area of the mediation.

8 MR. HEMENWAY: At this point, these next few slides  
9 are more into the specific engineering design as  
10 reflected in the documents that have been presented to  
11 you. I'm going to probably just walk through them.  
12 Again, the information, those sheets are in your packet,  
13 and kind of talk about the highlights of some of the  
14 specific elements that were incorporated that might not  
15 be readily obvious.

16 In any case, this large oval represents -- I put  
17 this together -- this is an existing conditions plan.  
18 This is actually depicted as the existing and site  
19 removal plan, so site preparation plan. That oval  
20 represents a pretty clear indication of where the actual  
21 biologic wetland is on the property, and where previous  
22 activities have extended on the site.

23 So that effectively, you can -- the gray area that  
24 you see mainly around the property is dense gravel  
25 parking areas from the old nursery operations. It

1       circled around what used to be greenhouse units. The  
2       parking area's to the left. But they extend almost three  
3       quarters of the way down from Sowams Road towards the  
4       river. That line is a pretty clear delineation where the  
5       old -- where the previous activities were then pushed to  
6       the end of the cleared limit, so there's a pretty cleared  
7       bank in that area.

8               The other ovals, the green ovals that you see there  
9       where those trees, the mature trees that are on the  
10       property that were planted and have been maintained along  
11       effectively acting as street trees to the development --  
12       to the previous commercial operations on the site.

13              When you take a look at this drawing, this is  
14       hopefully in the same location on the sheet, you can see  
15       that the proposed improvements are now moved back almost  
16       200 feet from that original line. So if you went out  
17       there today and looked at where the gravel -- where the  
18       clear gravel paths are around the property where the  
19       remnants of the old activities on the property are, you  
20       really need to then shift back about 200 feet more back  
21       towards Sowams Road to the west to get a better sense of  
22       where the actual end of the development, or proposed  
23       development, is going to occur.

24              The intent is, in that 200 feet, is, to the extent  
25       possible, to restore that area back to vegetated

1 condition. In accordance with CRMC policy, 75 percent of  
2 that restoration will need to be to a natural condition,  
3 so it will be -- topsoil will be established on the  
4 property. It will be reseeded with a native vegetation,  
5 and it will be allowed to effectively to grow back into a  
6 brushy condition and vegetate. But CRMC regulations do  
7 allow for up to a 25 percent managed area within their  
8 regulated zone.

9 So what we've done is establish the conservation lot  
10 line effectively at that 75 percent line. There will be  
11 markers placed at that limit, and then from that point to  
12 the west, those remaining areas will be planted with a  
13 conservation mix, a meadow mix, that will be mowed, in  
14 all likelihood, twice a year, potentially three times a  
15 year. So you'll get a -- the intent is to go from the  
16 development proper, the roads, the buildings, the lawns,  
17 et cetera, and gradually step into a less-managed,  
18 less-manicured landscape zone, and then transition into  
19 that, what effectively will be 150 feet of dense  
20 vegetated restored buffer area.

21 Before getting to the wetland, in this instance, the  
22 wetland is actually about another 250 feet to the waters  
23 edge, to the Palmer River. So there's really almost  
24 about 350 feet from the actual water line to the limit of  
25 the proposed improvements.

1           A couple of items that have been incorporated into  
2 the site plan, and I think reflect a change, a positive  
3 change since what was approved on the Master Plan,  
4 include the opening up of the eastern side of the project  
5 in this zone here (indicating). If you recall, the  
6 original Master Plan had some units at the end of this  
7 roadway here. Again, this change has allowed the project  
8 to incorporate some great pedestrian type elements. A  
9 gazebo, although not planned to be constructed at start  
10 of construction, there certainly is potential of  
11 circulating walkways so that at the end of the road,  
12 there should be a good view towards the vegetated areas,  
13 and also an open public space in this location here. We  
14 think that's a significant improvement to the initial --  
15 to the Master Plan that has occurred to the  
16 recommendations of this board.

17           To get onto the specifics of the site plan as it  
18 relates to the conditions of the Master Plan approval,  
19 again, there are -- there's an access, public access to  
20 the open space lot from the roadway which has now  
21 incorporated two development parcels, both to the north  
22 and to the south, separated by that open area with  
23 another development parcel within the center of the road,  
24 but been limited to a single building, and still provides  
25 a large green area. Again, this is similar to the Sweet

1 Briar where there's a large grassy area at the opening of  
2 the road. Opening up this whole area once -- there was a  
3 comment made on the initial photograph, when you enter  
4 the property along that entrance road, it is a tight  
5 property, a tree-lined property. Those trees will  
6 remain. It does tend to open up in this location here,  
7 though. Although there will be a number of trees, it  
8 will be a large grassed area with an open common point, a  
9 meeting point in this location (indicating).

10 Specific to the variance and the reduction of the  
11 variances, most of the variances, I believe there are  
12 only two variances that we were able to eliminate,  
13 although most of the variances have been reduced in their  
14 dimension. Many of them, however, are attributed to the  
15 lot layout, so there were setbacks, dimensional setbacks  
16 and the like. So the configuration is very similar to  
17 what it used to be, but the dimensional requirements of  
18 those -- of the lots are somewhat different and varied  
19 from the original application.

20 MR. CAPIZZO: Sam, before you move into that, can  
21 you just for the record identify which lot this is, or  
22 entitled.

23 MR. HEMENWAY: Yes. This is the site -- Sheet  
24 CS-101 of the engineering package that was submitted as  
25 the site plan.

1           MR. CAPIZZO: If you could do that moving forward,  
2           that would be great.

3           MR. HEMENWAY: There was discussion about -- in the  
4           overview in regards to addressing the comments regarding  
5           the pavement widths. We continue to recommend and have  
6           proposed pavement widths slightly below the widths  
7           outlined within your ordinances providing a 22-foot  
8           pavement width for the road, and a 40-foot right-of-way,  
9           and 20-foot paved width for the driveway, to the drive  
10          aisles, to the parking areas. This plan, which is  
11          identified as Sheet CS-103, is intended to provide a  
12          depiction of the road layout, and the emergency vehicles  
13          that can be anticipated to circulate through the  
14          property. The large circles that you see are the  
15          proposed hydrant locations providing, obviously, coverage  
16          to all the buildings on the property. We have met, since  
17          Master Plan approval, we have met with the town's public  
18          safety officer and went through these locations. And he  
19          basically identified the coverage that he'd like to see,  
20          and the vehicle, which it was necessary to circulate  
21          through the property. You can see on this plan the  
22          vehicle can make it around the street alignment, even  
23          with a 22-foot width, was adequate room for vehicles,  
24          clearances, as well as to maintain the on-street parking  
25          as proposed.

1           This Sheet CU-101 is the utility layout plan. The  
2 power point is provided with public water and public  
3 sewer as well as electric communications facilities.  
4 We're proposing to do underground electric and power  
5 facilities on the property. So everything will be buried  
6 at the street. The public sewer will be extended to an  
7 existing sewer line that traverses north to south in the  
8 eastern portion of the property. That sewer -- the  
9 existing sewer extends all the way down to County Road  
10 through regulated areas. It will require a slightly -- a  
11 slight encroachment into the biological limits of the  
12 wetland to connect to the existing sewer. These are all  
13 previously disturbed areas. Obviously, they were  
14 disturbed from the installation of the original sewer.  
15 Similarly, it carries a town maintenance and access  
16 easement along that corridor so that the access is  
17 anticipated both for that facility -- has been  
18 anticipated for that facility, but will also be provided  
19 along the sewer outflow from this project.

20           We've reviewed alternatives to connecting to  
21 those -- to that sewer-regulated area, but because it has  
22 significant benefits in regards to long-term maintenance  
23 and cost to the town, we believe that's a far and away  
24 the best overall, similar to the town's, town-wide  
25 initiative for sewer installations that puts sewer in

1 wetlands in the first place, it's, in the long run, a  
2 much better utility system by doing that.

3 As indicated, the water is served by Bristol County  
4 Water Authority. They've reviewed these plans, and  
5 although they have some minor modifications, they wanted  
6 to see the layouts and specifics to the individual  
7 evolving, et cetera. They certainly concurred with the  
8 overall general configuration of the utility, and have  
9 provided, in the past we provided an update for the water  
10 availability that are from that agency as well, which is  
11 in the documents.

12 This is -- Sheet CG-101 is the grading plan for the  
13 project. Although this specifically identifies the  
14 contours of the property and the individual storm  
15 drainage structures and image associated with them, I'm  
16 going to back up a little bit and talk probably more  
17 about the overall design, storm water management design,  
18 to the project, some of the benefits and some of the  
19 installations that have been proposed.

20 It was identified with some earlier slides that the  
21 project is -- utilizes a significant number of low-impact  
22 development strategies in the design. For the most part,  
23 that -- without oversimplifying the strategies,  
24 low-impact development is really about maintaining  
25 surface runoff and trying to infiltrate it into the

1 ground in the general vicinity where the runoff occurs so  
2 that if you isolate smaller facilities, get runoff from  
3 smaller watersheds and introduce it back into the ground  
4 water system at those locations and don't wait,  
5 historically drainage systems throughout the state and  
6 throughout the country have been -- put the drainage down  
7 at the bottom of the hill and just inundate it. That  
8 particular system doesn't get a lot of water quality  
9 treatment. L-I-D -- the primary objective of this  
10 project and storm water management in general these days  
11 is about providing better water quality from the project.  
12 In this instance, that the site is -- in fact, there will  
13 be a significant reduction in developed area for the  
14 project. That, combined with the fact that Palmer River  
15 is a title water and quantity control, the amount of  
16 runoff or flooding issues with this individual piece of  
17 property, don't significantly impact the Palmer River  
18 watershed. The primary focus is really about providing  
19 water quality and getting runoff back into the  
20 groundwater system to support the biologic activity for  
21 the wetland, et cetera.

22 So in that light, the project, generally speaking,  
23 falls within two overall watersheds. There's a high  
24 point in the existing site that's about 250 feet to the  
25 east of Sowams Road. So that from this point on, the

1 project falls off, slopes gently to the east to the  
2 limits of that, again, it's a limit significantly beyond  
3 these improvements, to the edge of the wetland where it  
4 falls off pretty dramatically. There's about a five- or  
5 six-foot drop into the more leveled wetland areas.

6 Properties to the west of that ridge line, generally  
7 speaking, sheet flow across the property and across the  
8 residential lots to an enclosed drainage system within  
9 Sowams Road. That drainage system discharges to the west  
10 and actually circles around and under New Meadow Road.

11 The proposed project -- well, the main access of  
12 this project was to collect as much surface runoff and  
13 treat as much surface runoff as we could to try and  
14 improve the conditions. Treat it all and discharge it  
15 towards the Palmer River where there is a significant  
16 vegetated area. So the first strategy is really about  
17 the density of the improvements and maintaining a large  
18 significant vegetated area adjacent to the river to treat  
19 site discharge -- runoff discharges will be discharged  
20 outside of the regulated areas, but will flow over land  
21 across those wooded and vegetated areas and gain  
22 additional treatment at that point.

23 The large majority of the site from about this  
24 parking lot on will be directed to Sowams Road -- sorry,  
25 to the east towards Palmer River, will be broken up into

1 three primary watersheds. The northern portion will be  
2 directed to a swale along the northern property line.  
3 That will be a vegetated swale that includes a specific  
4 soil mix to promote the biological activities as well as  
5 infiltration, will incorporate check dams to try and  
6 maintain the water, to slow the water down to get it to  
7 infiltrate as much as possible. It will include  
8 vegetation that is adept and has no issues with the  
9 introduction of water and standing water for short  
10 periods of time.

11 Similarly, a swale will be incorporated on the south  
12 side of the property. Again, so it's collecting water  
13 from pushing the water from the units and from the  
14 parking areas through pretreatment facilities, and then  
15 discharge, getting treatment of the entire length along  
16 the project limits until it's discharged to the buffer  
17 areas as indicated.

18 The central portion of the property is more -- what  
19 we consider more of a conventional type drainage system.  
20 Obviously, because it's a road network and a curved  
21 section that has been proposed, we needed to incorporate  
22 a system of pipes and catch basins, et cetera, which  
23 drives the depth of the storm water management systems,  
24 and poses some challenges, particularly poses some  
25 challenges towards getting good treatment on the site.

1 Our solution included incorporation of a large bio  
2 retention area adjacent to the wetland areas. This first  
3 cell that you see here is primarily a pretreatment  
4 four-bay to get the initial largest pollutant load out of  
5 the runoff. Pollutants that are runoff from the  
6 property, from oil drippings from vehicles, from sanding  
7 the road, et cetera, run to this first stage. That has  
8 been cited immediately adjacent to the road so that it  
9 has access, accessibility from the road, from maintenance  
10 vehicles, from the town. From that point, the initial  
11 settlement overflows from that first cell will be  
12 discharged through a small channel to the primary  
13 treatment area. The second cell is really storm water  
14 management treatment. There's actually a small  
15 pedestrian bridge that traverses over this. Generally  
16 speaking, it will be low flows. The depth of this  
17 facility is only about nine inches, so it's a very large,  
18 not very deep, but large shallow facility that  
19 incorporates the distribution of flow and promotes  
20 infiltration. Overflows again from that system will  
21 discharge. We provided a level area downgrading of the  
22 storm water management facility, which will distribute  
23 flows into a sheet flow condition, again, to try and  
24 maximize the amount of treatment that we can get through  
25 buffer areas and natural vegetated areas.

1           The overall project -- in terms of Sowams Road, we  
2           are proposing to install some street tree boxes. If  
3           you're not familiar with those, effectively, they're  
4           concrete vaults filled with a media similar to what you  
5           would use in these bio retention facilities, again  
6           promoting -- it's a filtering media that also promotes  
7           vegetated growth so that by planting trees and  
8           incorporating media, you get significantly improved  
9           treatment from the conventional drainage system. So  
10          because of limited area, we've proposed those. They are  
11          very efficient and a small facility is getting good  
12          treatment for small areas. We have reduced the amount of  
13          runoff going to Sowams Road because we believe that's a  
14          taxed system, that is to say, the runoff, Sowams Road is  
15          a state road, as most of you know, so that the drainage  
16          system is maintained by DOT. We have not submitted to  
17          that agency, but have initially started discussions. We  
18          will be reducing runoff to their system and all of that  
19          information will be reviewed by that agency when that  
20          application is made. Runoff towards the east towards the  
21          Palmer River is actually, the amount, or the total volume  
22          of runoff is going to be reduced significantly based on  
23          the infiltration that I spoke of. During some of the  
24          largest storm events and the actual rate of discharge  
25          will be increased slightly. Again, we expect reductions

1 in total volume of runoff, and towards that, towards the  
2 river.

3 The next plan, Sheet CE-101, again, there is a  
4 specific requirement of the condition of approval  
5 addressing the erosion control. Erosion control measures  
6 in accordance with the State requirements will be  
7 proposed, effectively making sure that runoff is not --  
8 sediment doesn't discharge toward regulated areas.

9 The final drawing is a plan or profile of the public  
10 road network. The system again summarizes that pavement  
11 widths have been reduced. Where that has been requested  
12 is the introduction of bituminous berm in lieu of  
13 concrete -- granite curb as required by the ordinances.  
14 That's outlined in your list of waivers as well.

15 I think -- I hope that summarizes the site  
16 conditions.

17 MR. MARTIN: I just want to add a couple of things  
18 to that, if I could, please.

19 When we described how this development plan came  
20 together, there was obviously a lot of considerations  
21 that came into play, especially when developing this LID  
22 approach. I can tell you that as we presented to the  
23 TRC, the development team met with representatives from  
24 DEM Office of Waste Management Water Quality Section and  
25 Coastal Resources Management Council. We had that

1 meeting about two months ago prior to getting into the  
2 engineering design phases. And as a result of those  
3 discussions, you can see how the coastal buffer zone was  
4 developed. All construction is 225 feet away, all  
5 building construction. There are -- all the storm water  
6 systems are more than 200 feet away from the coastal  
7 wetland as well. So you see that the approach came as a  
8 result of not only trying to comply with the standards,  
9 the State standards, but also as a result of our meeting  
10 with these representatives. How we approach the  
11 remediation of the site, how we approach dealing with  
12 storm water management. Can we break up the systems into  
13 smaller more manageable treatment areas and those sorts  
14 of things. All of those, the result of that meeting, and  
15 I should say that we provided the minutes of that meeting  
16 to the Board for their review, are reflected in this  
17 revised drawing. So we did meet with these  
18 representatives. We took into account their questions or  
19 comments and incorporated them into the design.

20 So I just wanted to make that clear. Thank you.

21 MR. SPINELLA: I believe that concludes our part of  
22 the presentation unless I'm missing anything from  
23 counsel. That represents a summary of our response to  
24 your conditions of approval for Master Plan. All of  
25 this, again, is reflected in the package you have. And

1 I'll turn the microphone back over to you.

2 MR. CHAIRMAN: We're going to hear now from our peer  
3 reviewer, engineer peer reviewer from Pare. Please,  
4 just, again, say your name and your address.

5 MR. SHEVLIN: Sure. Thank you, Mr. Chairman,  
6 members of the Board. For the record, my name is John  
7 Shevlin from Pare Corporation. We were hired to go ahead  
8 and do a review, a peer review, of the items that were  
9 submitted from the applicant. We completed our review  
10 and submitted a letter to the town yesterday, and I know  
11 it just got distributed to the engineer, their design  
12 team, yesterday afternoon, so, obviously, we don't have  
13 any kind of response on these. I had a brief discussion  
14 with the engineer this morning. They're reviewing it,  
15 and they say a lot of these things they will be able to  
16 address.

17 I don't want to go through the whole list of items,  
18 but just touch on some of the major items that I see.  
19 And I think through the presentation, some of them have  
20 been addressed. So we went through the plan submission  
21 checklist for the submission. I think one of the things  
22 that was the main thing that I wanted more feedback on,  
23 it sounds like they have had a lot of coordination with  
24 some of the agencies. So with regard to the Bristol  
25 County Water, Conservation Commission, DOT, which we

1 still need to get an app for, and the CRMC and Public  
2 Works. And it seems like through the presentation that  
3 there has been coordination with a lot of these agencies  
4 already. So I think some of them have been addressed,  
5 and the documentation should be there. So we're okay  
6 with that.

7 I had a couple of comments, and then going down to  
8 the preliminary plan set, there's some comments in  
9 regards to some of the variances. They do have them  
10 listed on their plans. There was a couple that I was  
11 unaware of that I thought maybe were included on there,  
12 but I think they've already been previously approved  
13 through the Master Plan stage as far as the roadway width  
14 and the use of granite curbing. They reduce width, and  
15 sounds like it's been approved at Master. And then their  
16 use of bituminous berm that's being proposed sounds like  
17 that's been discussed already also, so that's just some  
18 of the comments on that.

19 The turning radius for the fire truck. I know they  
20 showed the inner roadway, the circular roadway as far as  
21 the radius working for the fire truck. Just had a  
22 question in regards to whether the fire department has  
23 reviewed this and approved the whole site, especially  
24 coming into the parking area, access to the buildings and  
25 such. I believe they say that there's still ongoing

1 coordination with them on that, so just a couple of  
2 things on that.

3 Just looking at the subdivision regs, just as far as  
4 the utility layouts. I just have a question on that as  
5 far as the placement. I think in the subdivision regs  
6 they talk about putting the sanitary in the center line,  
7 the water lines placed on the opposite side of the drain  
8 lines, et cetera. So I'd just like to get some  
9 clarification on that.

10 There's items in here in regards to snow shovels in  
11 regard to where those areas would be and how they would  
12 occur with the parking and where they would possibly be,  
13 so just some clarification. I'm going down to Item  
14 Number 12, just there's a lot of the ones between here  
15 and there are just things I just called minor comments.  
16 Just the layout of handicapped spaces. Again, I talked  
17 to them in regard to that because I think there's some  
18 confusion in regards to what it meant. I know they had  
19 the handicapped spaces at a couple of locations. I think  
20 that's something that needs to be determined based on  
21 those buildings that are going to be handicapped  
22 accessible and whether those will be relocated or not.  
23 But, again, minor in regards to just future, where those  
24 will be placed in regards to the buildings.

25 I have a question in regards to Number 14 just as

1 far as the setback between the edge of the proposed  
2 parking areas and the buildings. I believe it's supposed  
3 to be ten feet. I think Building 13A it seems like that  
4 area was short, and it looks like there's about two feet  
5 or so. So I just made a comment on that.

6 As far as the storm water management report, you  
7 know, the applicant has mentioned that they met with DEM  
8 and CRMC. They have designed the project in accordance  
9 with DEM storm water guidelines, a low-impact  
10 development, so I think overall the design for the storm  
11 water I find to be acceptable. There's just some  
12 information in here that I believe the applicant does  
13 have. They talked that they would supply to us. I think  
14 overall just looking at the drainage design and the  
15 calculations I think has been done, the design is good  
16 for what they're looking to do. There's just some backup  
17 information as far as just backup so we can further just  
18 review and finalize the drainage, and there's things like  
19 in regard to subwater shed maps, and, you know, just the  
20 design calculations for the overtopping and some of the  
21 other ponds and such. But overall I think the drainage  
22 has been done in accordance with the storm water  
23 guidelines, and it does show reduced flows that will be  
24 occurring.

25 The traffic impact study, we went through that.

1 Again, I think what was done on that is acceptable. I  
2 think, you know, the one comment that I think I just put  
3 in here in regards to when the counts were done, but I  
4 think in this type of development a lot of times you'll  
5 see things that, you know, you don't like to count the  
6 week of Christmas, but I think in this area, the type of  
7 development that it is, the school was in, so I don't  
8 think it's going to have that big of an impact, but it's  
9 just a comment in regards to when the counts were done.  
10 But I think overall as far as the methodology for how  
11 they determined the number of trips, how they distributed  
12 the traffic, how they looked at the safety analysis, the  
13 capacity analysis, and their conclusion recommendations,  
14 I'm in agreement in regards to the report itself.

15 And then the last thing is with regards to the  
16 additional site investigations. We did take a look in  
17 regard to what was performed to date, and we're well  
18 aware that there's been extensive coordination going on  
19 with DEM and EPA, and right now the ball is in their  
20 court in regards to doing additional site investigation.  
21 And I just mention that within 90 days of the February 24  
22 letter, they're likely to go ahead and get a response.  
23 So I know it sounds like that is also ongoing, so...

24 Just a quick summary in regards to the comments.  
25 You know, quite a few things in here, there's things in

1 here that I didn't get into, but a lot of them are  
2 relatively minor in engineering design. So I'll be here  
3 to answer any questions if anybody has any questions.

4 MR. CHAIRMAN: Thank you.

5 MR. CAPIZZO: Mr. Chairman, I'm not sure if the  
6 Board wants to hear any followup to the comments just  
7 made. There were just two maybe minor followups to the  
8 review if the Chair and Board --

9 CHAIRMAN: Sure.

10 MR. HEMENWAY: I believe I spoke to Mr. Shevlin  
11 about both of these topics, but I think they're probably  
12 worth pointing out to the Board if the Board has at your  
13 discretion, if you have direction you want to provide.

14 The first was Item Number 13, which had to do with  
15 fencing around the storm water management facilities.  
16 It's not posed as a requirement in the ordinance, but it  
17 has been proposed in this document. We don't recommend  
18 it. We think that we'd like to lessen up the -- make the  
19 slopes a little less steep going towards that facility,  
20 we think there's little danger --

21 COURT REPORTER: I can't hear you, sir.

22 MR. HEMENWAY: By making less steep slopes into the  
23 facility, and because the ponding depths are so slight,  
24 we think the risk is relatively minor, and wouldn't  
25 recommend a fence in those locations.

1           And then the second item was just about the parking  
2 adjacent to the building, and I wanted to make sure that  
3 the Board was aware that those spaces are actually at  
4 the -- adjacent to the bays, the garage door to the  
5 maintenance facility, so that we're allowing vehicles to  
6 park up against the garage door and, in fact, open the  
7 door and go in should they decide to do that, and really  
8 is a point of clarification.

9           MR. CHAIRMAN: Okay. We're going to open up  
10 comments. Do you have another question?

11           MR. CAPIZZO: Mr. Chair, I would just move just for  
12 the record that the Power Point presentation which I will  
13 present would be moved into the record, as well as the  
14 Pare letter, the April 4 Pare letter that we all referred  
15 to just so the record is clear as to what everybody was  
16 referring to.

17           And there's one more comment from our traffic  
18 consultant. If you want to identify yourself for the  
19 record.

20           MR. HUG: Good evening. For the record, Derek Hug  
21 with Fuss & O'Neill, 317 Iron Horse Way, Providence. One  
22 of the illusion -- one comment regarding the physical  
23 alteration permit for DOT, I had a preliminary  
24 conversation with Bob Roccio over at DOT regarding the  
25 physical alteration permit. Made him aware that there

1 will be a physical alteration permit application coming,  
2 and asked if there were any particular concerns or  
3 comments that he had regarding the site or Sowams Road in  
4 general or even down to County Road. And he did not have  
5 any that I needed to address prior to that submittal, so  
6 that will be forthcoming.

7 MR. CHAIRMAN: All right. I think we're going to  
8 open it up to question and comment from the Planning  
9 Board. I guess if everybody wants to have a little bit  
10 of time to digest first. Make a comment, or just jump  
11 right in?

12 MR. ADAMS: I had a question about the traffic and  
13 the parking. There was a comment about the handicap  
14 parking. Do you feel that's been adequately addressed in  
15 the plan?

16 MR. SPINELLA: So we have a requirement of the  
17 building code as well as the funding source Rhode Island  
18 Housing to build 5 percent of our units as handicap  
19 accessible, and we have more than adequate handicap  
20 parking for those units plus others.

21 MR. ADAMS: And I just had a question about the  
22 traffic. The -- as I read it -- well, the peer review  
23 mentioned that the conditions of zero traffic growth  
24 scenario, the way I read it there was an increase in  
25 traffic on 114, but it didn't show an increase of traffic

1 on Sowams Road, so I was just a little puzzled how you  
2 could project an increase of traffic on 114 without any  
3 of that traffic impacting traffic on Sowams Road.

4 MR. SPINELLA: Is that a question for your Pare  
5 reviewer, or --

6 MR. ADAMS: It's for --

7 MR. SPINELLA: I believe that from our perspective  
8 the level of service wouldn't change from our  
9 development. I think that the traffic study took into  
10 account the Warren development that is coming soon, so  
11 that's why that would be in addition, but the level of  
12 service coming out of this development will not change.

13 MR. ADAMS: Right.

14 MR. SPINELLA: No matter what happens over there.

15 MR. ADAMS: But it does take into account the new  
16 development in Warren, I take it?

17 MR. SPINELLA: Yes.

18 MR. ADAMS: And my question was, it only shows that  
19 new traffic from Warren on 114, it doesn't show any of  
20 that new traffic from Warren going east on Sowams Road.

21 MR. HUG: That's correct. So we used the traffic  
22 study from the developer of the American Tourister site  
23 had the traffic going into, going into Barrington, and we  
24 did not route any of that traffic north into Sowams Road  
25 with the thought that more -- if we kept it all right on

1 114, that would actually have the largest impact on level  
2 of service for left turns coming out. We knew that was  
3 going to be the most difficult movement was the left  
4 turns coming out of Sowams onto County Road. So if we  
5 actually routed some of that traffic up onto Sowams Road,  
6 we would actually be making life a little easier for  
7 ourselves. So to make the analysis as conservative as  
8 possible, we just kept all of that traffic on 114.

9 MS. GALBRAITH: But that traffic, that traffic, the  
10 other, the opposite peak period it would be coming south  
11 on Sowams Road, potentially, if you had routed some of it  
12 to the north, it would then be coming out and turning  
13 left back to Warren. Would that have an impact, in your  
14 opinion?

15 MR. HUG: That movement was already well over  
16 capacity, so there was -- we could add as much as we want  
17 and it wouldn't change any of the results, the results  
18 would still be terrible. The morning was a little bit  
19 closer to... Does that address your question?

20 MR. ADAMS: Well, I guess it doesn't address the  
21 question of whether we need a light there with the  
22 combination of the new traffic from Warren and the new  
23 traffic from this development.

24 MR. SPINELLA: So the level of service coming from  
25 our development will not trigger a light no matter what

1 happens. They're both state roads, so if, in fact, it's  
2 determined by the DOT that they need a light because of  
3 the Warren development, that would happen regardless of  
4 whether we were building our 40 units here or not. These  
5 will not impact that.

6 UNIDENTIFIED VOICE: Have you tried to make a left  
7 onto 114 from Sowams? And then add 16 cars?

8 MS. Members of the public, you're going to have  
9 ample opportunity to address the Board and provide  
10 questions for the applicant, but for the record and for  
11 the stenographer, I would ask you to hold your comments  
12 until the public comment portion of the meeting has  
13 begun.

14 MR. CHAIRMAN: Can I ask a general -- this may be a  
15 rudimentary question for you, but can you explain what  
16 levels of service means? What is that, the capacity of  
17 the road, or is that the traffic, what is that?

18 MR. SPINELLA: Derek can certainly answer that.

19 MR. HUG: Level of service is basically a measure of  
20 delay and inconvenience to motorists, so that is  
21 generally set up as grades from A being very minor delay,  
22 to level of service F, which is a level of delay that  
23 most people would find unacceptable or annoying.

24 MR. CHAIRMAN: Can you give us an example in terms  
25 of minutes.

1           MR. HUG: Yes. So at an unsignalized intersection  
2 anything over 55 seconds of delay is considered level of  
3 service F. Anything under ten seconds is considered  
4 level of service A, and then there is a range of times in  
5 between that, B, C, D, and E.

6           MR. CHAIRMAN: And that time is when you reach the  
7 intersection?

8           MR. HUG: No, it's called control delay. It's the  
9 difference in time between -- if there was no control at  
10 all and there was no traffic whatsoever, and you could go  
11 through the intersection without slowing down, without  
12 stopping, without anything, versus the anticipated delay  
13 that you would experience with the traffic control with  
14 the traffic in place.

15          MR. CHAIRMAN: Do you have -- another traffic  
16 question. Do you have any comment regarding -- I mean,  
17 we had a comment where our peer reviewer said there  
18 wasn't much of an impact, but can you explain the --  
19 doing the traffic survey with the counts during, you  
20 know --

21          MR. HUG: The Christmas week there?

22          MR. CHAIRMAN: Yeah. Only because no school and  
23 that sort of stuff.

24          MR. HUG: Ideally we try not to do it that week  
25 anyway, but the issue was we needed to get the traffic,

1 the travel speeds on the roadway, and so in order to do  
2 that, we use the tube counters. So we were particularly  
3 interested in getting those before A. We needed to do  
4 these counts while school was in session, that was the  
5 real important thing. We don't have a mall or some, you  
6 know, some sort of draw here that is particularly where  
7 the traffic conditions would be particularly effected by  
8 the holiday. Once school got out, we were going to have  
9 at least a two-week period where school was out and we  
10 weren't going to be able to do those tube counts, and  
11 then we get into January and we can't do those tube  
12 counts if there is any threat of snow. And so we were  
13 particularly itchy before Christmas to get that done, so  
14 that way we weren't counting, and, you know, hoping for  
15 the best from Mother Nature in January to do those tube  
16 counts, so that was -- that was why we chose to do them  
17 when we did.

18 MR. STREIT: Is there any plan to just revalidate  
19 that sometime in April or something, or May? I'm just  
20 throwing that out. Just to, you know, I know there's  
21 daily, there's perturbations in people traveling, but...

22 MR. HUG: No, we hadn't planned on doing that. Only  
23 because, again, there was no land use in the immediate  
24 vicinity of the site that would drastically effect those  
25 counts, you know, just day-to-day variations is really

1 all we --

2 MS. GALBRAITH: You were indicating you were rushing  
3 to get them done while school was in session; school was  
4 not in session on that day in Barrington on December 23?

5 MR. HUG: Yes. We didn't use the -- so we used the  
6 two days, the December 21st and 22nd. And the manual  
7 turning movement counts were done on the 22nd before  
8 school was out. The count -- the tube was picked up on  
9 the 23rd so it picked up a little bit of the day in the  
10 morning, but that was it.

11 MR. LANG: And all of the analysis was done on  
12 traffic flow from Sowams to County. Did any of it  
13 incorporate anything that would cross over on to New  
14 Meadow?

15 MR. HUG: No.

16 MS. GALBRAITH: Did you do counts -- I didn't see in  
17 the report -- afternoon counts? So you did a full day  
18 count on those days; was that material provided to us, or  
19 just the peak?

20 MR. HUG: Yes.

21 MS. GALBRAITH: Is that in there?

22 MR. HUG: The tube count was all day, 24 hours. The  
23 manual turning movement counts were morning peak hour and  
24 afternoon peak hour.

25 MR. CHAIRMAN: Any more traffic questions? I know

1 we can always come back to that.

2 MS. GALBRAITH: Can I ask just one more, why you  
3 chose to do the analysis on the AM peak hour versus the  
4 PM peak hour? What's the relevant difference? I'm  
5 looking for the full counts, but...

6 MR. HUG: I'm sorry?

7 MS. GALBRAITH: The relative difference between the  
8 morning peak hour and the afternoon peak hour in terms of  
9 volume, are they relatively the same? The amount of  
10 volume in the morning and in the afternoon.

11 MR. HUG: Well, I know that the delays are heavier  
12 in the afternoon down at County. I would have to go back  
13 to the figures to look at the volumes at the intersection  
14 between the morning and the afternoon. I don't have them  
15 right in -- I have them at my seat back there.

16 MS. GALBRAITH: Is it typically do you do the  
17 morning hour? I mean, I'm wondering how you made the  
18 decision to analyze the morning hour rather than the  
19 afternoon.

20 MR. HUG: We did both.

21 MS. GALBRAITH: You did both, okay.

22 MS. O'GRADY: I have a question. How many cars do  
23 you anticipate in a development such as this with, like,  
24 40 units? Do you figure so many per unit or?

25 MR. HUG: Yes. So that's done by a -- there's a

1 publication called Trip Generation put out by the  
2 Institute of Transportation Engineers. It's a  
3 three-volume thing for all sorts of different land uses.  
4 So we utilize that publication to determine the number of  
5 trips, and it was based on the number of units.

6 MS. O'GRADY: So what is the number for a  
7 development of this size?

8 MR. HUG: Give me one sec.

9 MS. O'GRADY: I didn't see it in here, that's why  
10 I'm asking. I saw the AM peak.

11 MR. HUG: (Perusing documents) So during the  
12 morning peak hour it was 29 trips, and during the  
13 afternoon, 30.

14 MS. O'GRADY: Yeah, no, no, I saw that, but I'm  
15 saying, like, how many cars do you anticipate to be in  
16 the development for the 40 units? Do you anticipate two  
17 cars per unit, one car per unit, like, what is the --  
18 for a development such as this? It might not be a  
19 question for you, it might be for the -- I don't know.

20 MR. HUG: I would maybe assume two cars per unit  
21 overnight, but that's, you know -- then maybe for  
22 something like this it might be one and a half, one and a  
23 half to two.

24 MR. SPINELLA: I think the traffic study talks to  
25 trips --

1 MS. O'GRADY: Right, I understand that.

2 MR. SPINELLA: -- based on the standards. This  
3 is -- the national standard and the state standard we  
4 actually have found that we're lower than that in our --  
5 in a development such as this.

6 MS. O'GRADY: Number of cars that you would  
7 anticipate.

8 MR. SPINELLA: Number of cars and number of trips  
9 generated by those cars would be fewer than in normal --  
10 the state standard.

11 MS. O'GRADY: So, like, the spaces, the parking  
12 spaces.

13 MR. SPINELLA: We have more than is required by  
14 zoning and we expect less than that.

15 MR. CHAIRMAN: Do you have a comment related to  
16 traffic?

17 MR. HEMENWAY: Can I just answer that question  
18 directly. You're asking -- there are two spaces -- there  
19 are more than two spaces per unit per --

20 MS. O'GRADY: That's it, okay. Thank you.

21 MR. SHEVLIN: I think just one of the things that --  
22 John Shevlin from Pare. One of the things that was noted  
23 was how they did the study. Typically when you do a  
24 study you look at existing conditions, then you look at  
25 future no build which is what the traffic is going to be

1 five years out without the development being built. So  
2 you take a look with regards to what the traffic  
3 conditions are going to be under those conditions, and  
4 then future build is the trips that are going to be  
5 generated from the site that you throw on the no-build  
6 traffic volumes. And they had a zero percent growth  
7 rate, which I think was coordinated with the planning  
8 department based on consensus and everything else, so  
9 they've been pretty as far as growth. They did throw in  
10 the development for the American Tourister, so that went  
11 into the no-build projections, and that's where they  
12 compare in regard to future no build versus future build  
13 in regards to what the impacts are going to be. And  
14 that's what the results were for. I hope that clears it  
15 up.

16 MS. GALBRAITH: Can you just clarify one more thing.  
17 We're trying to figure out Figure 3 of Appendix B. The  
18 other traffic generators, we're just wondering what you  
19 mean by other traffic generators, is that the  
20 Tourister --

21 MR. HUG: Yes.

22 MS. GALBRAITH: -- traffic that you've been  
23 provided? Okay. And that's the traffic that shows  
24 entirely on County Road as you explained. In other  
25 words, so there's -- a no-build growth kind of assumes a

1 baseline of no growth with the exception of that one --

2 MR. HUG: Correct. Anything else?

3 MR. CHAIRMAN: We have more questions, but maybe we  
4 will have some traffic questions a little later.

5 MR. STREIT: Actually, I have one more question. Is  
6 it typical that, you know, people going out in the  
7 morning, that there's obviously a difference, you know,  
8 for people coming in in the evening? Like, where in this  
9 place it's 90 percent, 90 percent difference? Is that  
10 like a typical standard for traffic?

11 MR. HUG: So the split between in going --

12 MR. STREIT: The split between the AM and the PM  
13 peaks, like in the morning, I think you had like a  
14 hundred and some odd from one of these. A hundred and  
15 one, from what I want to remember. You have 87 making a  
16 left turn in the morning going south, and then I think  
17 it's a hundred and three going in during the PM peak.  
18 I'm just wondering if that's a typical split. It's about  
19 a 90 percent split.

20 MR. HUG: Well, it depends on the land uses that are  
21 around, but it's not uncommon that flow on a street is  
22 fairly directional in the morning versus the afternoon.

23 MR. STREIT: Right. Well, I was just wondering if  
24 that was like a difference of 10 percent difference of  
25 something that's standard overall.

1           MR. HUG: No, not necessarily a standard. I'm not  
2 sure I understand exactly what you're --

3           MR. STREIT: Well, you have, like, say, a certain  
4 number of flow going out in the morning, then obviously  
5 people, if they're not home, whatever, go pick up their  
6 kids during the day. You typically have -- you know,  
7 what you have in the morning is not the same as what you  
8 would have coming back in the evening. That's what I'm  
9 trying to refer to.

10          MR. HUG: Oftentimes -- I think I'm addressing your  
11 question. The morning peak tends to be a little bit more  
12 concentrated.

13          MR. STREIT: Right, because everyone's got to go to  
14 work.

15          MR. HUG: Everyone's got to go to work and they  
16 usually -- people go to work around the same time,  
17 whereas people come home at -- the trips home tend to be  
18 a little bit more spread out.

19          MR. STREIT: Right. I'm just wondering, because I  
20 know with, for example, you have 95 -- a hundred percent  
21 in the morning, 95 percent coming home in the evening. I  
22 was just wondering what that ratio was for automobiles.  
23 And I've got to round --

24          MR. HUG: Yeah. I don't know that there's  
25 necessarily a standard in that, in the way that you are

1 describing it.

2 MR. STREIT: Okay. That's fine.

3 MR. CHAIRMAN: I have another traffic question. So  
4 somebody asked the question about whether you had looked  
5 at New Meadow. And the reason that I think that might  
6 have some relevancy if you look at it this way: You have  
7 a number of people turning right out of the site, and  
8 sometimes people are going, you know, either to school or  
9 work, or what have you. I know some folks go from Sowams  
10 heading on to New Meadow, and then go on Massasoit. So  
11 you might either go -- keep going north on New Meadow  
12 towards Seekonk, or you might hit the light by the white  
13 church. Is there any value in looking at the impact on  
14 traffic on Massasoit?

15 MR. HUG: Well, we concentrated all the traffic on  
16 Sowams and we found that there was no perceivable impact  
17 on traffic. So to expand that sphere of analysis is  
18 unlikely to yield any different result. I mean, there's  
19 so few trips that as we continue to radiate out from the  
20 site, the odds of -- the chances of any noticeable impact  
21 on traffic, it gets smaller and smaller.

22 MR. CHAIRMAN: Traffic splits up and --

23 MR. HUG: Yeah.

24 MR. CHAIRMAN: I'm all done with traffic myself. I  
25 have a question regarding -- I heard the comment about

1 town maintenance of sidewalks on private property. I'd  
2 like a little bit more explanation about that.

3 MR. SPINELLA: So these are public streets. So the  
4 town wouldn't be maintaining the sidewalks on the private  
5 property.

6 MR. HEMENWAY: The 40-foot right-of-way, effectively  
7 what we've provided is a curb section and then either a  
8 parking space or a green space and then sidewalk beyond,  
9 so that the sidewalk actually extends outside the  
10 right-of-way. There is an easement over the length of  
11 that sidewalk. The terms of that easement -- a draft  
12 easement was submitted with the materials. That's  
13 consistent, actually, with what was done at Sweet Briar,  
14 it's the same, in fact, identical easement language. So  
15 that it is really providing access across that private  
16 property for pedestrians.

17 MR. SPINELLA: But we'd be maintaining the  
18 sidewalks.

19 MR. CHAIRMAN: And, then, so that interfaces -- that  
20 works with curb site pickup for trash and all that sort  
21 of stuff, too?

22 MR. SPINELLA: Yes.

23 MR. CHAIRMAN: Okay. And I was wondering if  
24 somebody could explain to us a little bit about -- just  
25 go into a little bit more detail about the permitting

1 required for the gated sewer line that's connecting. So  
2 two parts to that, one is what kind of clean up is going  
3 in that area, because obviously this is an area where  
4 there were some activities inside the buffer, right, the  
5 wetland buffer previously. Which would you -- or kind of  
6 cleaning up, and then how does the permitting work for  
7 connecting the sewer piping?

8 MR. HEMENWAY: The sewer connection will be reviewed  
9 and approved by the Public Works Department, the Sewer  
10 Division. I believe you're asking in terms of the  
11 disturbances associated with the installation of it?

12 MR. CHAIRMAN: Right.

13 MR. HEMENWAY: Because the area falls within a  
14 regulated wetland area, it will be reviewed by CRMC for  
15 impacts to those wetlands. The impacts will be temporary  
16 in nature, so obviously the equipment will need to go in  
17 to install the sewer but will be replaced in kind. The  
18 soil will be replaced and vegetated upon completion. The  
19 difference -- the only substantive difference between the  
20 installation -- the condition before the installation and  
21 after, is that the town will maintain the public access  
22 and maintenance to the sewer, so such that if there's any  
23 issues in the future, then they need to get access to the  
24 manholes. That condition is -- effectively exists for  
25 the portion of the sewer that's in place now. So the

1 section of sewer going from that main up to the  
2 improvements of the property will carry basically an  
3 identical easement for that same purpose. And that's  
4 pretty standard to the overland sewers in the town.

5 MR. MARTIN: Shawn Martin, Fuss & O'Neill. I just  
6 wanted to add that years ago, and even recently at a  
7 pre-application meeting with the DPW, this was the  
8 preferred option, as Sam described earlier. There were  
9 other options, one in which included a sanitary lift  
10 station that would be municipally owned, or individual  
11 sewer pump stations and force mains and then a pump  
12 discharge as well to Sowams Road. This was the less  
13 expensive option over the long term as far as maintenance  
14 and operation goes for the limited disturbance that will  
15 occur. All this was described to CRMC as well, and if  
16 you recall and look at your packets, you'll see that the  
17 area where we're proposing connection is an area where  
18 the wetland is farthest away from the development  
19 activities. So that's where we would propose to make the  
20 connection at the least disturbed -- at the point of  
21 least disturbance. And it actually occurs within an area  
22 that's already within a sewer easement that has to be  
23 cleared of trees so that the trees don't destroy the  
24 sanitary sewer pipe over time. But I just wanted to make  
25 sure that the Board knew that we did have these

1 discussions with CRMC, with DEM, and the DPW on two  
2 occasions.

3 MR. ADAMS: What kind of maintenance do tree boxes  
4 require, and who, if any, who would be responsible for  
5 that?

6 MR. MARTIN: As part of the overall public drainage  
7 system after the development is completed, that system  
8 would be maintained by the DPW, and tree filter boxes are  
9 maintained in a similar way that you would maintain a  
10 catch basin. You can vacuum out the material on top  
11 where the sediment collects, and it more or less acts  
12 like a filter bed. The water goes in, it gets filtered  
13 through this organic and sand filter media, removes the  
14 pollutants, and then when the -- it's more like an  
15 underground box or chamber, just like a cash basin. It  
16 gets vacuumed out and disposed of. And then the mulch,  
17 typically you just remove the top sediment layer and a  
18 little of the mulch layer, and that gets -- the mulch  
19 layer gets replaced, but it's two or three inches of  
20 mulch that would have to get replaced.

21 MR. ADAMS: And it's the standard mulch? It's not  
22 anything --

23 MR. MARTIN: Nothing -- typically is a hardwood  
24 shredded mulch, but it gets blended with soil. You know,  
25 if the whole thing needs to be replaced, which isn't very

1 common, typically the sediments collect on the upper  
2 layer of material, or filter media, and you try and  
3 scrape out or vacuum up only what you need to. You don't  
4 have to replace the whole filter bed. And this was the  
5 practice that DEM was encouraging us to look at for this  
6 particular location because of its constraints.

7 MR. ADAMS: And did our Department of Public Works  
8 review that aspect of this?

9 MR. MARTIN: We haven't received any comments yet  
10 back from staff. It was brought up fire chief, DPW.  
11 We're still waiting to hear comments back from the staff  
12 members.

13 MR. HERVEY: I would add that we'd anticipate any  
14 comments to be in coordination with John Shevlin and  
15 Pare, because they're handling the bulk of our review.  
16 So we would just work with Pare to have any final  
17 comments that you might need for that.

18 MR. CHAIRMAN: Any more comments from the board?

19 MR. ADAMS: I guess it's a question and a comment.  
20 I think you mentioned a comparison to Sweet Briar and the  
21 presentation regarding the architectural character and  
22 perhaps some small areas in the site planning. I just  
23 wanted to kind of compliment you on the massing of this  
24 project and how it actually is quite different than Sweet  
25 Briar in terms of the breaking up of the housing in,

1       like, I think you mentioned sub neighborhoods? Which is  
2       actually quite different than the strategy they used in  
3       Sweet Briar. And -- but you also mentioned -- so I think  
4       it's appropriate for this neighborhood since it has a lot  
5       of abutting smaller houses, so I think that's a  
6       significant difference.

7               But I also was wondering in terms of the  
8       architecture itself. It seems -- you were comparing it  
9       to Sweet Briar but then you said something about -- it  
10      seems to me a little pared down from that? And I just  
11      don't know if that's an accurate reading of the plans, or  
12      if -- if you see them more as siblings or comparable.

13             MR. MARTIN: Pared down would suggest that it was  
14      done for sort of economy, and I think more to the point,  
15      it's been simplified to be less mannered than some of the  
16      Sweet Briar architecture has embellishments or brackets  
17      that are not entirely consistent with the kind of  
18      background housing you'd find in Barrington or in New  
19      England in general. So I think our strategy here was to  
20      just be much more simple to try and make volumes that  
21      were more recognizable as the stuff you would see along  
22      County Road, and particularly at the foot of Sowams.  
23      You see a lot of these simple, forward-facing gables with  
24      four windows and a door. And so I would say it's been  
25      simplified but not in the interests of economy so much as

1 to be more appropriate to the area. And we've learned --  
2 I stand behind Sweet Briar, but I think that was also  
3 seven years ago, and we've gotten better, too.

4 MS. O'GRADY: I have one quick question with regard  
5 to the landscape plan. I don't know who can speak to  
6 that. That sheet has what I think are existing trees to  
7 the north and south of the property right along the  
8 property edge. You're talking about putting in fencing  
9 at that northern edge. I was just wondering what's going  
10 to happen to the trees. Some are within your property  
11 and some are not. So whether or not all of the trees  
12 shown are going to remain in place or --

13 MR. HEMENWAY: The intent is to maintain the  
14 existing mature specimens. I think that, as I understand  
15 it, a little bit of a lesson learned at Sweet Briar as  
16 well. In terms of the existing fencing and the backs of  
17 those lots are inconsistent. The fence is intended to be  
18 set back a couple of feet as depicted on the drawings.  
19 Those locations of those trees are obviously the size of  
20 a trunk and the root mass, et cetera; there's some  
21 flexibility. So, generally speaking, the intent is to  
22 maintain the existing vegetation and enhance and support  
23 it with understory. That the fence we believe by  
24 offsetting three feet, we've captured the existing  
25 offsets, and whether or not there will be existing fences

1 in the gap between them, or they'll elect to use a single  
2 fence line, I think it will probably work out when it  
3 gets installed. Have I answered the question?

4 MS. O'GRADY: I think it's somewhat difficult to  
5 read which ones are proposed and which ones are existing,  
6 so I would say for future plans, maybe just make it a  
7 little bit clear which ones you're going to keep and  
8 which ones you're going to remove so that people aren't  
9 surprised in their neighborhood.

10 MR. MARTIN: Absolutely.

11 MS. O'GRADY: Because right now they all appear as  
12 proposed, they're all dark as compared to the background  
13 material.

14 MR. MARTIN: There is no intention to remove any  
15 specimens from the vicinity of that line. So they are --  
16 most of the large specimens are actually either on the  
17 line or they're offset to the line. The nursery did a  
18 pretty good job of clearing right to the line, but the  
19 intent is to -- and we'll try and clarify that.

20 MS. O'GRADY: My other concern would be the tulip  
21 trees in the center. Those aren't typically a street  
22 tree, so are you looking making to consider putting  
23 something else in that location? They're fast-growing.  
24 They grow to be a hundred feet tall. I know we have one  
25 in front of my house and it's probably -- the town owns

1       it. It's within the right-of-way, it's not anything I  
2       planted, and when it comes down it's going to be a  
3       potential issue, so maybe get the advice of a landscape  
4       architect.

5               MR. HEMENWAY: We certainly can consider that.

6               MS. GALBRAITH: A question on the lighting plan. I  
7       know in one of the conditions of approval we had spoke to  
8       the concept of dark sky lighting or lighting that -- down  
9       lighting or dark sky lighting, and I don't see that, it  
10      wasn't specifically addressed. I just don't know if it's  
11      included in the plans or --

12              MR. ATTEMANN: Hi, new face for you; Paul Attemann,  
13      Union Studio. The dark sky light that you said you see  
14      that have been incorporated are all down lit, and they  
15      will be shielded where we meet two at the back parking  
16      areas behind the buildings, the dwelling units, so there  
17      won't be any light cast over the property lines.

18              MS. GALBRAITH: We didn't see a lighting sheet in  
19      the plans. Oh, it's in the back. So also just wanted to  
20      confirm, when you met with Chief Bessette did he have any  
21      issue with the -- it looks like he was satisfied with the  
22      circulation plan for his equipment and he's not concerned  
23      about the trucks not being able to get into the  
24      parking -- you know, where the parking lot necks narrow  
25      down to 20 feet. Did he have any concerns about that?

1           MR. HEMENWAY: Yeah. I mean, that width was  
2           coordinated with him. We will similarly run the same  
3           template in those areas as well for circulation provided.

4           MR. ATTEMANN: I'd like to elaborate on that a  
5           little bit, too. Even at Master Plan we had a few  
6           meetings with Chief Bessette, and he was very clear about  
7           what his requirements were for accessing all of the  
8           units, including into the drive lane. And we did -- I  
9           was looking back at the Master Plan application we had  
10          provided the Board with a diagram showing all of the  
11          distances from all of his emergency vehicles, when they  
12          would be in that drive lane and the distance they would  
13          have to back out, all in conformance with national fire  
14          protection agency regulations that the State of Rhode  
15          Island enforces, and we satisfied his needs. And those  
16          dimensions haven't changed.

17          MR. CAPIZZO: Mr. Chair, members of the Board, would  
18          it be possible to just take a quick minute break for the  
19          stenographer just so -- she just said she needs a little  
20          break.

21          MR. CHAIRMAN: Let me just ask if we have any more  
22          questions from the Board? So maybe we'll take a break,  
23          ten-minute break, and then we'll come back and we'll  
24          start the public comment.

25          MR. CAPIZZO: Thank you.

1 (BRIEF RECESS)

2 MR. CHAIRMAN: We're going to start back up again.  
3 I will just ask one more time if the Board has any other  
4 comments or questions? Okay. We're going to open up the  
5 meeting for public comment, and what I'd like to do is  
6 this: We are thinking that this public comment portion  
7 of the meeting is probably going to remain open through  
8 the next Planning Board meeting, so it's our goal to try  
9 and close out of here by 10:00 for some of the other  
10 agenda items that we have. So really listen to comments  
11 and questions by other folks, try not to repeat the same  
12 thing just to give everybody an opportunity to be heard.

13 So with that said I'm going to jump around the room  
14 a bit, I'll point at folks. If two people show up to the  
15 mic, just, you know, one person allow the person to go.  
16 Remember to state your name and your address.

17 MR. DIEBOLD: Hi, my name is Gerald Diebold; I live  
18 at 118 Governor Bradford Drive, and I'm also on the  
19 chemistry faculty at Brown University, so I would like to  
20 try to tell you a few things about arsenic and the  
21 regulations that states have for it.

22 So let me read first from a document that Leo  
23 Hellested, who is the chief officer of the Rhode Island  
24 Waste Management, wrote about arsenic. He said the Rhode  
25 Island data is based on drilling 125 sites and about

1 triple the number of samples, and what they come up with  
2 is this number of seven parts per million. And he  
3 states, and I'll quote in his document, that the Rhode  
4 Island arsenic standard is based on state background  
5 studies and is not, he underlines, is not a risk-based  
6 standard.

7 So let me just give you a sort of a hypothetical  
8 example. For instance, if you went to the Hudson River  
9 and measured PCBs there and you got a number of, say, a  
10 hundred parts per thousand, you know it's pretty  
11 contaminating, you probably actually could find that, and  
12 then you went to the 99 other little rivers and streams  
13 and lakes throughout the state and found nothing, your  
14 average would turn out to be one part per thousand. So  
15 is that safe for drinking water? It's totally  
16 irrelevant. In fact, the EPA sets the number at a half  
17 part per billion for PCBs for the drinking water.

18 Now, you can look at this article here that's called  
19 "Arsenic Cleanup Criteria for Soils in the United States  
20 and Abroad," and it was published in the Proceedings of  
21 the Annual International Conference on Soils, Sediments,  
22 Water and Energy. What's amazing in this document when  
23 they compare the guidelines for different states when it  
24 comes to arsenic is they vary by a factor of one  
25 thousand. It's absolutely amazing. So Rhode Island

1 turns out to be in the bottom group, where we use this  
2 state-specific natural background, which is pretty clear  
3 is irrelevant. Even by Mr. Hellested's reckoning. The  
4 other states are using the cancer risk for it. And so  
5 what they're concerned about is not what's just around,  
6 but how much of the stuff is going to give you a case of  
7 cancer. And so our limit would be a factor, our limit is  
8 a factor of 100 more tolerant than that of California,  
9 and it's actually 500 times worse than what they would  
10 tolerate in Wisconsin.

11 So NOVICE has dug a bunch of wells, I think 23  
12 altogether, and they find 42 percent of the drilling  
13 sites are more than seven parts per million, and 63  
14 percent of the sites exceeded seven parts per million at  
15 the greater depth.

16 And so what's going to happen at this site is  
17 there's going to be trucks, backhoes, graders, concrete  
18 mixers, all this heavy equipment moving around, and  
19 they're going to stir this place up. All this arsenic is  
20 going to be turned into mud. There's going to be rain.  
21 The stuff is going to go down into the soil, and it's  
22 going to drain off into the river, and it's quite likely  
23 some of it is going to go into people's wells, and note  
24 there are people who have wells who I believe are on the  
25 order of a hundreds yard away from this site.

1           So is there any protocol for how to drive a truck or  
2 what to do with your concrete mixer? I'd think no is the  
3 answer. So you might want to ask, well, how bad is this  
4 arsenic? So, again, I'll take these data from the  
5 Environmental Protection Agency that says drinking water  
6 requirements for states and public water systems.

7           They say arsenic is odorless and tasteless. Some of  
8 its noncancer effects include blindness, partial  
9 paralysis, numbness in the hands and feet, and thickening  
10 and discoloration in the skin. Now, as far as it goes as  
11 a carcinogen, it's actually quite amazing. In fact,  
12 seven different cancers are linked to arsenic. That  
13 includes cancers of the bladder, lungs, skin, kidneys,  
14 nasal passages, liver, and prostate. And so how does the  
15 EPA treat arsenic for drinking water. Well, their level  
16 is ten parts per billion in your drinking water. For  
17 lead, which you're probably more familiar with, that  
18 level is 15 parts per billion. So in other words, the  
19 EPA considers arsenic more dangerous than lead. And you  
20 probably have heard somewhere on television that no  
21 amount of lead is any good for a child. All right? It's  
22 not needed for any metabolic purpose in your body.

23           And so my belief is that this site should be left  
24 alone. It's loaded with arsenic all over the place. And  
25 I don't think there's any real way of them controlling

1           it. They say they're going to cover it, but that's after  
2           it's all been stirred up and a mess is made of the place,  
3           and it's too late. So you put it on afterwards and the  
4           damage has already been done. So the best thing to do  
5           with this site is leave it alone; don't stir up a big  
6           problem. Thank you.

7           MR. SILVESTRI: My name is Eric Silvestri; I live  
8           at 93 Sowams Road, which abuts this development on three  
9           sides. And I do have one objection as proposed, and that  
10          is, if approved, I will lose the use of my own property  
11          due to the road turning my side yard into a front yard.

12          MR. CHAIRMAN: Can you pop up the development site  
13          plan.

14          (MR. SPINELLA PLACING PHOTOS ON PROJECTOR)

15          MR. SILVESTRI: I think it's pretty clear, if you  
16          look at Sowams Road, you have -- this is the one holdout  
17          house, I think you guys call it Lot 4. And you have  
18          another one on the other side, Lot 5, this one right  
19          here. This is my house (indicating), so your development  
20          abuts on all three sides.

21          UNIDENTIFIED VOICE: Can you speak up a little.

22          MR. SILVESTRI: I mean, I think we know where the  
23          property is, right? So the problem is that the north  
24          side of my house currently a side yard, I have the  
25          opportunity there to expand my house. Based on the

1 current zoning requirements for setback, I believe it's,  
2 like, 15 feet. If that road goes through, you're going  
3 to require a 30-foot setback which means I'm already out  
4 of compliance and I can no longer do anything with my  
5 side yard because it becomes a front yard. It also turns  
6 my backyard into a side yard, so I'm going to lose the  
7 use of my property.

8 MR. CHAIRMAN: Phil, just put you on the spot for a  
9 quick second. The one at the back seems like a parking  
10 lot, not really a street. Am I wrong about that? But  
11 the one on the side, I'm confused about that. Can we  
12 have two fronts?

13 MR. HERVEY: (Nodding head)

14 MR. CHAIRMAN: We can.

15 MR. HERVEY: Right. You have two front yard  
16 setbacks.

17 MR. SILVESTRI: Which turns me into a corner lot.

18 MR. ADAMS: What is the address again?

19 MR. SILVESTRI: 93 Sowams.

20 MR. D'ALLESANDRO: My name is Tim D'Allesandro; I  
21 live at 69 Orchard Avenue, Barrington, and I'm concerned  
22 about noise. It's been so quiet. I've lived there all  
23 my life, my family has lived there all our life, and you  
24 can hear a pin drop. It's very, very tranquil, very  
25 quiet. And we're going to hear horns blowing, we're

1 going to hear all kinds of noise. People live, you hear  
2 noise. I'm concerned about that. I'm also concerned  
3 about runoff. I'm in a far corner near the wood line.  
4 That's all I want to say; thank you.

5 MR. COSTA: Les Costa, 3 Colonial Avenue,  
6 Barrington. Just a question here -- two questions,  
7 actually, three. In terms of impervious surfaces, given  
8 the capping that you're going to do, roadways, sidewalks,  
9 and you're looking at what, 6.63 acres, or was it 5.6,  
10 5.56, what was it, buildable acres?

11 VOICE: 6.63.

12 MR. COSTA: 6.63. What's the percentage of  
13 impervious surfaces?

14 MR. CHAIRMAN: Tell you what, ask those questions,  
15 you guys write it down, comments are through the Chair,  
16 through the Board, and then you guys keep track of it,  
17 we'll keep track of it, and you'll get the response to  
18 some of those, unless you need some of that data for your  
19 question.

20 MR. COSTA: Okay, one other one here. In terms of  
21 removal of the dialdrin, which is a toxic insecticide,  
22 what low-impact development methodologies are going to be  
23 used there? I mean, low impact is simply not just  
24 dealing with drainage. What are you going to do, what  
25 sort of impact, low impact, is going to be used to

1 extract this. Disturbing the soils, I mean that's what's  
2 going to happen. So there's another question for you.  
3 All right?

4 And lastly, there was a slide that lasted about  
5 eight seconds up there. Sam, I don't know your last  
6 name, you were talking to it. Is Sam still here? Thank  
7 you.

8 Two bullet points, positives for having Palmer  
9 Pointe up there. One of them was, and I just caught the  
10 last one, how does this development, quote/unquote,  
11 enhance community? Anyone want to answer that?

12 MR. CHAIRMAN: They won't answer it right now, but  
13 we're keeping track of it.

14 MR. COSTA: Because it's going to change the  
15 character of the community, and not to the positive.  
16 Thank you.

17 MR. DOYLE: Hi, Kevin Doyle, Lillis Avenue, these  
18 are just some comments for the Board for consideration.  
19 I'm hearing tonight, there's a lot of comparison to  
20 Orchard Avenue with the amount of acreage and how many  
21 units on per acre, and I believe it was said that it was  
22 pretty similar that there was five per acre. However,  
23 when they showed the buildings on this proposal right  
24 here, in those houses that they show on Orchard Avenue,  
25 they're single-family homes, and these structures on this

1 plan are multi unit. Very -- they may be taking up the  
2 same amount of acreage, but many multi-family units on  
3 that same amount of land, not single-family.

4 So I know it was just mentioned, I don't want to  
5 repeat about the impervious surfaces, but there seems to  
6 be an awful lot of detail going into how they're going to  
7 handle this water runoff with the swales, and everything  
8 running east into the Palmer River, towards the Palmer  
9 River, which is a category five river that we're  
10 concerned about the environmental effects on that.

11 And lastly, I would like to just say, as was just  
12 mentioned, the question put forward about enhancing the  
13 neighborhood of Hampton Meadows. I don't believe that  
14 putting in -- I think the studies have all been done and  
15 they're out there, the results are in, how these kinds of  
16 proposals, they stigmatize people more than anybody else.  
17 They put them in a little fenced-in area, and it's rental  
18 units and it doesn't do anything for community. It  
19 stigmatizes people in that community.

20 So I just wish that you will consider to preserve  
21 the character of the neighborhood and to look at the  
22 pictures and realize that a place like Hampton Meadows  
23 that I've lived all my life has always been single-family  
24 homes and a beautiful neighborhood. I would just like  
25 you to take that into consideration. Thank you.

1           MR. SHAMIR: Ken Shamir, One Seaview. I brought  
2 this up in a previous meeting maybe about a year ago.  
3 The people who will live in these houses are people who  
4 are shift workers. They don't necessarily all have cars.  
5 Some of them will need to walk approximately a mile to  
6 County Road to pick up the bus, the 60 bus from Newport  
7 to downtown Providence. The hours of that bus operation  
8 is anywhere -- and we have a bus driver, retired bus  
9 driver around here, but it's anywhere from 5 a.m. to  
10 1 a.m.

11           There's no sidewalks between this property and  
12 County Road. There's an S-shaped curve on Sowams, which  
13 would make it impossible to put a sidewalk. In winter,  
14 it's dark. You're coming home from working at your  
15 nursing home shift or the restaurant, it's icy. There  
16 are only two lights, two lights for -- on Sowams Road  
17 until you get to this property, and then on the property  
18 or across from it there's a third; I've counted it.

19           And so I really do fear for the safety of the  
20 population and the people who would be living there. The  
21 kids, the closest playground, if you go south, they still  
22 have to pass through the same no-sidewalk area. So it is  
23 not safe for the kids, it's not safe for the workers,  
24 it's just not safe.

25           Somebody is going to have to ask these developers to

1 build sidewalks and more lights if you don't want a  
2 disaster. And I wouldn't want to be the person to tell  
3 somebody's mom their kid got killed.

4 MR. VALLIS: Jim Vallis (phonetic), 92 Orchard  
5 Avenue. I just have a question about the swales and  
6 whether or not they create standing water, I'm just  
7 concerned about mosquitoes. And then related to that is,  
8 does DPW actually clean out swales in other parts of  
9 town, is this part of the maintenance that they're used  
10 to doing?

11 MR. MORRIS: Good evening. My name is David Morris,  
12 I live at 35 Orchard Avenue; been a resident there for 33  
13 years. I think we're putting the cart ahead of the horse  
14 here. We're talking about what this development is going  
15 to look like. We have not addressed the soil remediation  
16 and the process that has to be undertaken. We can talk  
17 about how the houses are going to look, what the street's  
18 going to look like, where people are going to go in this  
19 development; we can't do anything until we resolve the  
20 soil remediation issue. And in hindsight I'm sure  
21 everybody on this panel wishes a soil study and sample  
22 was done last year.

23 I addressed the Planning Board, I addressed at  
24 several meetings. I said, please test the soil before  
25 you approve this plan. The plan was approved, it went to

1 court, and here we are, we're back to the same issue. We  
2 have a contaminated area. So rather than continue to  
3 make the same mistakes and stop the project and  
4 investigate further... I'm not a scientist, but I have  
5 some common sense, okay? And I'm sure everybody in this  
6 room would tell you it was a mistake to go ahead with  
7 this plan without testing the property. Okay? So now  
8 you've got the results. What are you going to do, just  
9 ignore it and say it's going to go away? I don't think  
10 so.

11 And the current situation, the property's being used  
12 right now for motorbikes. I've addressed that with the  
13 Barrington police. I've asked somebody that's been using  
14 that property with a dirt bike with small children if  
15 they were aware that the property was contaminated.  
16 Okay? The individual confronted me, threatened me; I  
17 went to Barrington police and reported what was going on.  
18 Okay?

19 The testing was done. I never got a certified  
20 letter in the mail indicating that any kind of testing  
21 was going to be done on the property to warn me ahead of  
22 time. Am I going to get a letter, or is this thing just  
23 going to get steam-rolled through and I'll never get a  
24 letter saying, you know, what's the results of the soil?

25 So would everybody on this Board agree tonight, it

1 was a mistake? We should have had that property tested  
2 for contamination before we started addressing, you know,  
3 what's this going to look like, how is it going to help  
4 the community, how is it going to meet this hypothetical  
5 standard for 10 percent affordable housing. We cannot  
6 have any of that until that property -- if you, if you  
7 approve this project, that property where the soil is is  
8 completely remediated. Okay? That's my major concern.  
9 I have so many other issues, but that's the number one  
10 priority of this panel, of members here to realize the  
11 mistake was made when you didn't have that property  
12 tested. That should have been done. Okay?

13 As a taxpayer, I feel as though I was entitled to  
14 have the results before this plan was, you know, forward,  
15 moved on.

16 Do you have any questions for me about that concern?

17 MR. CHAIRMAN: No. I think it's a legitimate  
18 concern.

19 MR. MORRIS: Okay. Do you have any remorse for the  
20 fact that we should have done a soil test?

21 MR. CHAIRMAN: Who's we?

22 MR. MORRIS: The panel? Does anybody on the panel  
23 think it was a good idea to approve that project last  
24 year, allow it to go to court, and with not knowing what  
25 the soil was like. We've warned everybody, all the

1 residents that lived on that. Thirty-three years I  
2 watched what happened to that property, okay? We heard  
3 about the violations that the nursery had against them  
4 from Rhode Island DEM. They've been cited several times,  
5 okay, for practices, okay? We warned, we warned the town  
6 the property was used as a nursery, and now we know.  
7 It's too late. So, in your best conscience, please think  
8 about this. You know, floor this plan until we know  
9 exactly how that soil is going to be remediated and to  
10 what extent it's going to be after the supposed  
11 remediation. Are you going to go in there and retest it  
12 before, like this gentlemen said, we have heavy equipment  
13 in there?

14 I live right on the property line. All that stuff  
15 creates dust. What are we going to have, gigantic spray  
16 water machines for dust control? What's the remediation  
17 process? How am I going to be protected as a taxpayer,  
18 okay? We're just thinking about advancing the project  
19 because we're worried about the State with the -- it's  
20 not even a law. Ten percent affordable housing is not  
21 even a law, okay, it's a goal.

22 So I mean, in the best interests of everybody that  
23 lives directly on that property that will be affected by  
24 this so-called soil remediation, okay, I want to know  
25 what you all feel you can do to protect us. Because it's

1 plain, it can't be any simpler. It's a contaminated  
2 property. How am I going to be protected as a taxpayer.  
3 Do I have to worry about, okay, these guys went in there  
4 and developed it? The town's off the hook. You approved  
5 it, but now if we have health concerns in the future,  
6 what do we have to do, go after these people because you  
7 allowed them to build a project on contaminated soil?

8 I mean, like I say, I'm not a scientist, but this  
9 has no common sense. The approach is backwards. You  
10 approved something without testing the soil, okay?

11 I think I've said that about 15 times now, so I'm  
12 going to let somebody else speak. Thank you for hearing  
13 my concern.

14 MR. CHAIRMAN: Lady at the back.

15 MS. JOHNSON: Thank you. I'd like to thank the  
16 Board for hearing everybody's side, from the large  
17 picture to the small details. I have a couple of  
18 questions.

19 MR. CHAIRMAN: Don't forget to state your name and  
20 your address.

21 MS. JOHNSON: Thank you. Heather Johnson; I live at  
22 7 River Oak Road. I have a couple of brief questions,  
23 one of which is, there was a pesticide mentioned. I have  
24 no idea what that is. Can someone please clarify what  
25 chemical that is?

1 MR. CHAIRMAN: I don't either but we'll take note of  
2 that and maybe have a listing of what --

3 MS. JOHNSON: I don't see how you don't know the  
4 chemical that's so dangerous it can't even be  
5 encapsulated and has to be removed?

6 MR. CHAIRMAN: It's on the report that was done by  
7 the applicant, so they will have that information. I  
8 don't personally have it right --

9 MR. ADAMS: Dieldrin, d-i-e-l-d-r-i-n. Is that  
10 correct?

11 MS. JOHNSON: I'm sorry, what was the second part?

12 MR. ADAMS: I was just making sure that I was giving  
13 you the right information.

14 MS. JOHNSON: Thank you.

15 MR. CHAIRMAN: Is that the only one, Edgar? Is that  
16 the only pesticide?

17 MR. ADAMS: And arsenic.

18 MR. CHAIRMAN: And arsenic; okay.

19 MS. JOHNSON: Okay, thank you. My second question  
20 is, is there access to these plans on line at all?

21 THE CHAIRMAN: I don't think so.

22 MR. HERVEY: Yes, they're on line.

23 MR. CHAIRMAN: This application is?

24 MR. HERVEY: Yes.

25 MR. CHAIRMAN: The one that we have here right now?

1 MR. HERVEY: Yup.

2 MS. JOHNSON: And how do I access that?

3 MR. HERVEY: It's on the main page, and you look  
4 under Quick Links and it puts you right there. Download  
5 the application.

6 UNIDENTIFIED VOICE: The resolution isn't  
7 particularly high.

8 MS. JOHNSON: Okay. I heard a comment that the  
9 resolution wasn't great. I also have a question about  
10 the density, apparently it went to court and was  
11 approved. Does that mean that this board is obligated to  
12 approve -- like, you cannot deny this proposal based on  
13 density?

14 MS. GOINS: I can answer that question now. When  
15 the Master Plan decision was issued and approved by the  
16 court, that means that the applicant has a vested right  
17 to develop, to develop this site in accordance with the  
18 approved master plan decision, so that is -- the unit  
19 count is considered vested at this point.

20 MS. JOHNSON: Okay, thank you. And finally, I have  
21 a couple of comments. One is I live right next door to  
22 one unit that's being built. The dust is incredible. So  
23 I would definitely agree that -- and I'm quite a ways  
24 away from this, but I still -- I'm clearly downwind, so  
25 it is a concern to me, just seeing the level of dust

1 that's created by one small unit. It's quite incredible.

2 Oh, and one other question. It looks like there's  
3 public access to the waterway. Is there -- how does the  
4 public access that, is there parking?

5 MR. CHAIRMAN: Well --

6 MS. JOHNSON: No idea.

7 MR. CHAIRMAN: Well, it's not -- we want the  
8 applicant to be able to answer. You're asking the  
9 question to the applicant through us.

10 MS. JOHNSON: Okay, thank you, I appreciate the  
11 clarification. My main concern is traffic, and I live  
12 quite close to this development, and there is no way I  
13 would go down to 114 to get any place. I go to  
14 Providence, I go through Seekonk because it's way more  
15 efficient and there are way more attractions there that I  
16 need to visit. I avoid going to town. It's cumbersome  
17 at the best of hours, and it's a real hindrance at other  
18 times. The only reason that it works where 114 and  
19 Sowams meet now is because of the courtesy of drivers.  
20 Like, they stop to let you through, to turn left to go to  
21 Warren, and at peak times it's -- it's crucial. There's  
22 no way you would get through there.

23 But mostly, I think that this Board can look at this  
24 development along with the one right down the street,  
25 which is another -- is it eight to ten large

1 single-family dwellings. This may not -- it might be  
2 like a blip on the statistical record of somebody who is  
3 studying a traffic pattern, but for people who live here,  
4 this is huge. This street is really dangerous. Not only  
5 is there the S curve in the street, but it jogs, and you  
6 cannot see. I mean, and only a couple of weeks ago there  
7 was a large traffic accident at the bus stop, because the  
8 bus was stopped and the cars didn't see, and they go too  
9 fast, and they nearly went right through. And the second  
10 car, of course, hit behind that, and there was a major  
11 crash right where the bus was. The child was on the  
12 other side of the street, thank God, but it was a really  
13 close call.

14 So I think this Board should really take a look at  
15 this street. I understand that it's a state street, but  
16 it's time that somebody stood up. There are two schools  
17 in this area that promote walk-to-school days and  
18 bike-to-school days. There's no sidewalk. And I might  
19 add that, from my understanding, like, the sidewalk  
20 within a quarter mile of the school, it's free. You will  
21 get reimbursed for that, but it's not there. Nobody has  
22 done anything about that. It might be in the five-year  
23 plan, but it's like a freebie sitting out there forever.

24 I think a long-term plan if you're going to look at  
25 safety, there are a lot of people using this road as

1 pedestrians and as bikers. I do it myself, but I try to  
2 avoid it. As cumbersome as it is, I get my kids in the  
3 car, I drive the mile down to the bike path, and we start  
4 there, because this road is -- it's terrifying.

5 And if you're going to look at levels of service,  
6 particularly going north past the school, the wait times  
7 just to get past the school right now are incredible. A  
8 left-hand turn lane would probably be in the interests of  
9 the folks trying to get to work in the morning, or trying  
10 to get back home.

11 But mostly, I think that you can tie this to these  
12 developments that come up, because if these two  
13 developments go through and we get, I don't know, 10 plus  
14 40 units with probably two cars each, because I doubt  
15 there's going to be a lot of people who live here who  
16 don't have a car, because there's nothing within walking  
17 distance, the increased traffic and speed on this road  
18 is -- I'm scared already, and I'm not a person who's  
19 easily scared.

20 I've lived in this town for over two years, but I've  
21 lived in two countries and four states and five towns in  
22 the last eight years. And this road is an exceptional,  
23 like, issue. And we're seeing problems, I mean, like I  
24 said, with the bus stop, and it's winter when you can --  
25 you have the best possible visibility. It only goes down

1 significantly in the summer.

2 So I urge this Board to consider this as a package  
3 and as a way forward to make this part of town, which is  
4 a significant artery for pedestrian traffic, and the  
5 people choose to do it and they're taking that risk, but  
6 you have the opportunity to make it better and safer for  
7 everybody. Thank you so much.

8 MR. LEMOULT: My name is Bill Lemoult and I live at  
9 16 Hampden Street in Barrington. Just have a couple of  
10 quick questions. You've mentioned that the unit count is  
11 vested, but the Planning Board has apparently changed, or  
12 somebody here, has changed the density from -- in other  
13 words, the developable land has changed from 5.65 to  
14 6.63, is that correct? The developable land? It was  
15 5.65 and now it's 6.63 units per acre. No?

16 MR. CHAIRMAN: Is that something that, Shawn, that  
17 you guys can answer quickly?

18 MR. MARTIN: The density has not changed. The  
19 calculations in the Master Plan decision were based on  
20 42 total units, which were exactly what's provided on  
21 this plan, so density is consistent with the Master Plan  
22 approval.

23 MR. LEMOULT: Well, that's the density, but we're  
24 talking in terms of units per acre, correct? And that's  
25 the way it's measured, and that is density. So the issue

1 of density should be open again, not vested, because the  
2 calculation of the density has changed. And all I'm  
3 asking is that you look into that matter, because I think  
4 that reopens the issue. The Procaccini decision on that  
5 issue is not final because the density has changed. So I  
6 think it's an open subject and something you might want  
7 to consider.

8 Secondly, and my last comment, is, as you know, I'm  
9 a member of 2806, as are other people in the room, and we  
10 have sent you six, I think, letters, concerning a wide  
11 variety of subjects. And have you all received those?  
12 Am I correct that you have all received them, and are  
13 they entered in the record?

14 MS. GOINS: Everything that is submitted to --

15 MR. LEMOULT: Well, they were mailed.

16 MS. GOINS: Everything that is submitted to the  
17 Board through Phil is considered a part of the record for  
18 this submission.

19 MR. LEMOULT: So we can assume that all of those  
20 letters are part of the record. Thank you.

21 MR. CHAIRMAN: Anybody else? The gentleman in the  
22 back middle.

23 MR. D'ALLESANDRO: Hi, Ken D'Allesandro, 69 Orchard  
24 Avenue. Did I hear somebody say earlier that near the  
25 tree line there's going to be access to the water, down

1 to the water? I don't know if I heard that or not.

2 MR. CHAIRMAN: I think that they were asking a  
3 question.

4 MR. D'ALLESANDRO: That's all environmental.

5 MR. CHAIRMAN: I don't think that land's passable,  
6 myself, but...

7 MR. D'ALLESANDRO: That's all environmental.  
8 There's environmental weeds. I live right there.  
9 There's environmental weeds that go right down to the  
10 water. All the birds, it's like a bird sanctuary, goes  
11 in there. The rest -- I've lived there for 70 years.  
12 All that is all marsh. And a lot of people, the back of  
13 their houses are over there, their decks where they have  
14 cookouts. Are we going to be sitting there watching a  
15 parade of people come by when we're having our dinner?

16 MR. CHAIRMAN: I don't think so, myself. I think  
17 that the access that I saw, and will allow the applicant  
18 to answer, to respond to that, that access had to do with  
19 maintenance of the sewer manhole.

20 MR. D'ALLESANDRO: I might have misunderstood, and I  
21 apologize if I did, but...

22 MR. CHAIRMAN: We'll give them a chance to answer,  
23 though.

24 MR. D'ALLESANDRO: Yeah, but that's all  
25 environmental back there, it's all marsh. The water in a

1 good storm comes right up to my house. That includes all  
2 that area. So, thank you very much.

3 MR. CHAIRMAN: Any other questions or comments?  
4 Gentleman in the back.

5 MR. FORTIN: Zeke Fortin, 10 Zompa Road. I was  
6 curious if anyone looked at the impact of how many  
7 elementary school age children would be coming into the  
8 development. Sowams School is near maximum capacity now,  
9 and what would happen with that school and added  
10 children.

11 MR. MORRIS: David Morris, 35 Orchard Avenue again.  
12 I just have a question for the Board and the rest of the  
13 people here. Do we know who the town engineer is  
14 currently? Who is employed as the town engineer?

15 MR. HERVEY: The town has hired Pare Engineering to  
16 conduct a review on the town's behalf.

17 MR. MORRIS: Okay. So did they work as liaison to  
18 the DPW? Because the DPW does not have an engineer.

19 MR. HERVEY: That's correct.

20 MR. MORRIS: Okay. So is there a conflict of  
21 interest?

22 MR. HERVEY: What do you mean?

23 MR. MORRIS: With somebody that's working for the  
24 town concerning the plan? In other words, I've heard a  
25 lot of talk about we're corresponding with DPW. There

1 were questions that needed to be answered by DPW, but the  
2 engineer has since left the town.

3 MR. HERVEY: Right. We don't have an engineer, so  
4 we have to rely on another engineer that's a private  
5 company that we hired using their fees provided by the  
6 applicant, and they're representing the town's interests.

7 MR. MORRIS: Okay. So he represents the town, he  
8 doesn't represent anybody involved with the plan?

9 MR. CHAIRMAN: No. So the engineer of record is  
10 Fuss & O'Neill for the application, and our peer  
11 reviewing engineer is Pare Engineering.

12 MR. MORRIS: Okay. So at any time has Fuss &  
13 O'Neill done work for the town at the same time doing  
14 work for the developers?

15 CHAIRMAN: No. I don't think we've ever had that  
16 situation.

17 MR. MORRIS: Okay. So there's no conflict of  
18 interest with questions that need to be answered at DPW  
19 with --

20 MR. CHAIRMAN: The engineer reviewing it on behalf  
21 of the town and the engineer who's the applicant are two  
22 different firms.

23 MR. MORRIS: Okay. So there's no conflict of  
24 interest with the town regarding this project.

25 MR. CHAIRMAN: Right.

1           MR. MORRIS: Okay. Let's move on to the other topic  
2 that was discussed at length, was the traffic study. At  
3 what point in time was the traffic study done, do we know  
4 what month?

5           UNIDENTIFIED VOICE: (Inaudible)

6           MR. MORRIS: Well, you guys performed the traffic  
7 study, did you not?

8           MR. CHAIRMAN: The question is just a matter of  
9 formality, the questions are through us.

10          MR. MORRIS: Do we know when the traffic study was  
11 done? My question.

12          MR. CHAIRMAN: I want to say that they did it  
13 December 21 through the --

14          MR. MORRIS: Okay. So the traffic study wasn't done  
15 at a point in time when the bike path is being heavily  
16 used, which is during the summer months, during the  
17 summer. If anybody has left Sowams or New Meadow Road,  
18 essentially there is a light there, it's self-imposed,  
19 you have to stop for the traffic. So we don't have a  
20 light, so the bike path not only compounds the traffic on  
21 County Road, but the bike path further compounds  
22 congestion, okay.

23                 And the other concern I have is, for all the new  
24 residents there, how are the children going to leave that  
25 property, or how are the adults going to leave that

1 property to get to a bus. There's no RIPTA service.  
2 RIPTA has already said they will not run a bus down  
3 Sowams Road. So how do we get to the bus stop. Not  
4 everybody in affordable housing has a car. They rely on  
5 walking and riding a bicycle. There is no lane for a  
6 bicycle on Sowams Road, okay. And you cannot walk on  
7 Sowams Road without walking into somebody's property and  
8 risking tripping, or, you know, breaking an ankle, which  
9 has happened. None of this is in place. We don't have  
10 the infrastructure for people that don't have cars.  
11 We're talking about a traffic study which involves  
12 automobiles. We're not talking about people that need to  
13 walk and ride bicycles. That hasn't been addressed.  
14 There should be a study done on that. Is that feasible?  
15 I don't think so. Because I risk my life every time I  
16 walk out onto that road. So -- and has there been a  
17 study done on a possible bicycle lane for people?  
18 Because, like I say, not everybody has a car, and most  
19 people have to walk and they will need to walk to Sowams  
20 Road to get the RIPTA bus. So how are they going to get  
21 the RIPTA bus from this development. How are they going  
22 to get there. Have we thought about that? Do we know  
23 the layout for that? We have the layout for all the  
24 streets in there. We don't have a layout. We don't have  
25 infrastructure in place outside of this development for

1 people to safely come and go from there with a bicycle,  
2 walking. And never mind traffic, we know the cars.  
3 That's -- I mean, I've been there 33 years. I don't need  
4 to rely on a traffic study that was done for a limited  
5 time in the month of December. I can give you  
6 information about a traffic study for 33 years of living  
7 on Orchard Avenue and trying to get out to Sowams Road.  
8 The new County Road is a right turn onto Sowams Road  
9 right after you leave Warren. That's the new road to get  
10 to Route 6, to get to the highway, to get to 95.  
11 Otherwise, you would be adding a half hour to 45 minutes  
12 on to your commute time. So nobody has considered that.

13 July 4th, nobody can get on that road, during the  
14 week of the fourth. Our biggest thing in Rhode Island is  
15 tourism now. We're asking more people to come to this  
16 state. You can't get out onto Sowams Road on the week of  
17 fourth of July, it's impossible. Nobody -- it's -- to  
18 get to that parade you need to get on a bicycle or you  
19 need to walk to it. So there's -- not just fourth of  
20 July, there's several other times of the year, especially  
21 summer, not December, summer, when kids are out, people  
22 are exercising on the bicycle path. That prohibits  
23 traffic from advancing out onto Sowams Road. So nobody  
24 has mentioned the bicycle path. So that's the biggest  
25 deterrent, not cars driving down Sowams Road trying to

1 merge with traffic from Sowams and New Meadow, especially  
2 new traffic, potential new traffic. So I haven't heard  
3 anything addressing that.

4 MR. CHAIRMAN: Okay. I wrote down those comments  
5 and questions, and I'm going to confirm that the  
6 applicant has --

7 MR. MORRIS: Okay. The traffic study was done in  
8 December, not in the summer during the peak time. And I  
9 think anybody that lives in that area can tell you that  
10 it's the most congested time of the year. And, you know,  
11 if there's kids in that development, they're not going to  
12 be in school, they're going to be trying to get in and  
13 out of the development with bicycles. There's no bicycle  
14 lane on Sowams Road. There may be a potential  
15 development of a sidewalk, but there's no bicycle lane.  
16 There is one on Kent Street.

17 MS. GALBRAITH: If I can just clarify, and, Amy, I  
18 think, can help me out with this, that the point -- the  
19 object of the traffic study done by the proponent of this  
20 project is to understand the impact that this development  
21 will have on surrounding traffic. It is not to -- and I  
22 think we could all go around the room and talk about the  
23 traffic problems we experience in places in town on our  
24 way to work every day, and they're inherent, they're  
25 already there, that's why they look at the no-build

1 situation, and then they look at what the impact will be  
2 when they add the project. So I think you're pointing  
3 out a lot of problems that exist today that I think the  
4 Board, in our planning for the Comp. Plan, has tried to  
5 address some pedestrian and bike access issues. And  
6 certainly we all strive, I think, up here to try and  
7 resolve some of those issues and work with the State to  
8 solve some of the issues on the State roads passing  
9 through town. But it's not necessarily the role of the  
10 proponent of this project to study all those problems and  
11 take them on. So we're definitely going to review the --  
12 we'll ask them to confirm all the -- review carefully the  
13 impact that they are showing and make sure that --

14 MR. MORRIS: Well, I think that's our role as  
15 residents who are abutters of the property and residents  
16 of those streets next to the property on each side,  
17 Lillis, Orchard, to say that this is a problem now and it  
18 will only be multiplied.

19 So if you could answer the question in the future,  
20 another meeting, is there going to be a provision for the  
21 bicycle lane, is there going to be a provision for people  
22 to get to the RIPTA bus. Because right now you can't get  
23 to a RIPTA bus without trying to walk down Sowams Road  
24 where you couldn't even put a sidewalk in. You can't put  
25 a sidewalk around the bend to get out to Sowams Road. So

1       you'd ask people to walk down Sowams Road, cut through  
2       crossways to get to the closest sidewalk, but, still, it  
3       may seem like a short distance, but for children, it's  
4       not. Thank you.

5               MR. CHAIRMAN: Any additional questions?

6               MR. VALLIS: Jim Vallis, 92 Orchard Avenue. Thanks  
7       for handling all these questions. I just have one  
8       question about the sewer tie-in. I like this map a lot,  
9       it shows a lot of things, and I was curious to know if  
10      they could show where it ties in, and talk about what it  
11      will do to the vegetation in the area of the tie-in.

12              MR. CHAIRMAN: Any other questions? I just want to  
13      remind everybody that we're probably going to leave the  
14      public portion of the meeting open for the next meeting.  
15      We will confirm that we have some of the same comments  
16      here that they're going to try and address.

17              Sure. A question or a comment?

18              MR. HARSCH: Mr. Chairman, William Harsch; I'm here  
19      on behalf of the counter organization. I'm an attorney  
20      at 2256 Post Road in Warwick. I will have some expert  
21      witnesses to put on, and I would like to do that  
22      together. So if you're continuing the public hearing, we  
23      will do it then, if that's all right with you.

24              MR. CHAIRMAN: And you're going to coordinate your  
25      efforts through the town planner, just coordinate your

1 efforts in terms of making sure we have that on the  
2 agenda.

3 MR.HARSCH: Of course. Thank you.

4 MR. CHAIRMAN: Any questions from the applicant  
5 about some of the questions you heard? We'll just -- I  
6 have written down some of the comments and questions  
7 myself, and if you miss one, I will find it.

8 MR. CAPIZZO: I think between myself and Shawn and  
9 the rest of the team, I think we've written down  
10 everybody's concerns, and we will take them back and we  
11 will address them accordingly for the next meeting and  
12 have that information available.

13 MR. CHAIRMAN: Excellent.  
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C E R T I F I C A T I O N

I, Geraldine M. Meenan, hereby certify that the succeeding pages, 1 through 98, are a true and accurate transcript of my stenographic notes taken on April 5, 2016.

  
Geraldine M. Meenan, RPR  
Court Reporter