

Planning Board Minutes
October 19, 2016 – 7:00 P.M.
Town Council Chambers
125 Main Street
East Greenwich, RI

Members Present: Steve Brusini, Chair; Jason Gomez; Nate Ginsburg; Ben Lupovitz; Dan Tagliatela; Chris Russo

Members Absent: Michael Donegan; Brad Turchetta

Staff present: Lisa Bourbonnais, Planning Director; Aaron Lindo, Planning Assistant; Joe Duarte, Public Works Director; Sydney Kirsch, Legal Counsel; Tom Coyle, Town Manager

Mr. Brusini opened the meeting at 7:05 and introduced those present.

1. Final Plan Review of a proposed major subdivision that calls for 11 lots to be created in an F-2 Zone at 1400 Frenchtown Road (Map 21, Plat 19, Lot 61). The parcel is owned by Shirley Moorehead and the applicant is Cedar Hill Partners. The project would extend Mallard Way through a planned adjacent development north to connect to Frenchtown Road. Preliminary Plan approval was granted in May, 2007.

Attorney Peter Nolan came forward as the representative of the applicant and explained the project. The project consists of an approximately 25 acre subdivision with 11 lots in an F2 zone. The units will be single family with public water and utilities. There will be no affordable units in the development, as the development pre-dates current inclusionary housing ordinances.

There was a discussion about the number of lots in the subdivision. Scott Moorehead explained that the number of lots has never changed. It had been previously docketed as 10 lots with a parcel 'A' to become part of an adjacent development (also on this agenda) but it has always been de facto 11 lots.

Mr. Lupovitz asked about the relationship between the two projects that were being presented. Mr. Moorehead stated that he and the other applicant, Ronald Chofay, worked together to make them match up. Mr. Chofay is going to be the owner of both developments in January pending approval.

Referring to the conditions in the staff report, Mr. Nolan stated that the drainage retention and catch basins will be maintained by the owners of the property where the basins are located. The requirement will be included in the deeds and the restrictions. The town will maintain the inlet/outlet pipes. No Certificate of Occupancy (C/O) will be issued until the road binder and utilities are complete. The road for the two developments will be put in all at once and will be built to town standards.

The applicant will be required to notify purchasers of lots of the proximity of the East Greenwich firing range. A lengthy discussion was held regarding where the notification would appear. The applicant stated that he did not want the notification in the deed due to the potential

to hinder the financing arrangements for prospective buyers seeking a loan from lenders. It was determined by the Board and the applicant that the notification would appear in the recorded subdivision plan and in the purchase and sales agreements through language that is mutually agreeable to the applicant and approved by the solicitor.

Mr. Ginsburg inquired about the existing stone walls and how they would be preserved. Mr. Moorehead replied that there is language in the landscaping plan that states the stones from walls that have to be taken down will be reused in the development as property lines. Until there is an end-buyer, it is unknown where the walls are going to be. The placement of the walls will be reviewed by the Town subsequently.

Mr. Tagliatela asked for an explanation of the rules for connecting to existing Mallard Way. The response was that the language in the decision for the two subdivisions will allow the connection as well as a condition set by the KCWA to provide water.

Mr. Brusini asked about the fate of a large oak tree that was near the beginning of the proposed new road. The oak tree is in the Town's right of way and so it is the Town's decision to keep the tree or take the tree down. The Town will decide if it is or is not a traffic hazard. Another question was about the final resolution of land deeded to the Town. The access to the nearby DPW facility from the deeded land would be addressed in the project following on this agenda. The adequate buffering of the houses on Frenchtown Road adjacent to the development was also discussed.

Mr. Brusini opened public comment for the application. Paul Stein, an abutter on the right hand side of the development, came up to speak. Mr. Stein expressed his concerns about the maintenance of the new Whitetail Road. Mr. Duarte replied that the Town will maintain the road and cut the grass beside it. The road will also be plowed like any other road in town. If there is a HOA, they would maintain a manicured appearance. Mr. Stein also stated that he would like to know when a house is being built nearby. Mr. Brusini replied that there will be some expected disturbance in the near term but the main construction initially will be the road.

With no further comment, public comment was closed. There was no further discussion on the matter and the exhibits were identified and marked. Mr. Russo made the motion to approve (see decision) which was seconded by Mr. Gomez and unanimously approved.

VOTE: 6 – 0 – 0 in favor of Final Plan Approval of Cedar Hill Farm subdivision.

2. Final Plan application of North End Realty, LLC (Ronald and Tina Chofay) for "Cedar Hill Woods" (formerly known as "The Woods at Fox Ridge." Project is a five (5) lot conventional residential subdivision which will require the extension of Mallard Way, being Map 21 AP 19 Lot 32 and Map 15, Plat 19, Lot 31 on 24.96 acres in a Farm F-2 district. Preliminary Plan approval was granted in May, 2007.

Mr. Nolan stated that the terms and conditions from the previous application are the same for the current application. He continued, stating that there is an easement from the proposed road

to the DPW garage to the west of the subdivision. There is also provision for an easement for secondary pedestrian access to the 100 acre Mary Clark abutting property poised to be Land Trust property. The town would maintain this easement. If the Town (Land Trust) fails to acquire the Mary Clark property within 12 months of the recording of the final plan, the easement will go away. Conditions will be added regarding deeding the easements.

Mr. Brusini inquired about buffering the visual sightline for the end of Mallard Way. Mr. Moorehead replied that the two houses at the end of Mallard Way will receive buffered landscaping. There are a small amount of wetlands to the west of the development that were delineated.

Public comment was opened and closed after no one came up to speak. After a brief recess, Mr. Gomez made the motion to approve (see decision), seconded by Mr. Russo and passed unanimously.

VOTE: 6 – 0 – 0 in favor of Final Plan Approval of Cedar Hill Woods subdivision.

3. Minutes: Approval of the June 15, July 20, and September 21, 2016 meeting minutes.

Using the rule of necessity to pass overdue minutes, the minutes of 6/15/16 were passed 3-0 and the minutes of 7/20/16 were passed 4-0. In the minutes of 9/21/16, small name corrections were made and they passed unanimously on a motion by Mr. Russo, seconded by Mr. Lupovitz.

4. Planning Board Member Comments: For items not on the agenda and not relating to specific applications.

A summary of the election of officers was given. A motion to adjourn was made by Mr. Gomez, seconded by Mr. Ginsburg. Meeting adjourned at 9:03PM.

Minutes respectfully submitted by Aaron Lindo, Planning Assistant.

For further information, please refer to the recording available in the Planning Department.