

**GLOCESTER PLANNING BOARD
SPECIAL MEETING
MARCH 28, 2022
DRAFT**

Call to Order Chairman Pitocco called the meeting to order at 7:05 p.m.

Members in attendance: Chairman Janine Pitocco, Vice Chairman David Calderara, Members Lynn Furney, Michael DeGrange, and Stephen Clifford. **Absent:** Lionel Delos.

Please see attached transcript.

The Planning Board makes the following corrections to the transcript:

1. Page 139, Line 20-22
 - a. “So it does not say that the Planning Board or the Town Council, it says the Planning Board ~~Town Council~~ and the Town Council would both have to agree.”
2. Page 149, Line 19 - 20
 - a. ~~Mr. Clifford~~ Mr. Calderara: I do, too. Our attorney is telling us it doesn’t matter what we think.
3. Page 155, Line 5-7
 - a. “At the May 20, 2021 meeting the Town Council approved the rezoning of Assessor’s Plat 10, Lot 116, to ~~the~~ Planned District Residential.”

Motion to adjourn made by Member DeGrange, seconded by Member Furney.

The meeting adjourned at 10:58 p.m.

TOWN OF GLOCESTER, RHODE ISLAND
PLANNING BOARD

IN RE:

PUBLIC HEARING:
OVERLOOK RIDGE, LLC, applicant
and Bella Sand, LLC, owner

Glocester Town Hall
Town Council Chambers
March 28, 2022
7:00 P.M.

HEARD BEFORE:
Janine Pitocco, Chairwoman
Michael DeGrange
Steve Clifford
Lynn Furney
David Calderara

David Igliazzi, Town Solicitor
Karen Scott, Town Planner

APPEARANCES:
For the Applicant: John Mancini, Esquire
Mancini Carter, PC
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Providence, RI 02903
(401) 343-7000

PREMIER LEGAL SUPPORT, INC.
(401) 352-6869

<p style="text-align: right;">Page 2</p> <p>1 MARCH 28, 2022</p> <p>2 THE CHAIRWOMAN: I'd like to call the town of</p> <p>3 Gloucester Planning Board Special Meeting of</p> <p>4 March 28th, 2022 to order. Roll call.</p> <p>5 (ROLL CALL TAKEN)</p> <p>6 THE CHAIRWOMAN: We are here tonight for only</p> <p>7 one subject tabled from last meeting. So today's</p> <p>8 workshop meeting has been converted to a special</p> <p>9 meeting to be able to address this case. So we</p> <p>10 start with a public hearing. Just a reminder,</p> <p>11 during public hearings, anytime you want to be</p> <p>12 heard, please raise your hand. You'll be</p> <p>13 recognized and asked to come up to the podium, say</p> <p>14 your name and what your address is so that our</p> <p>15 recording secretary can capture the activity and</p> <p>16 the conversations of today's meeting. And we also</p> <p>17 have a stenographer here tonight, so please speak</p> <p>18 loudly so everyone can hear you clearly.</p> <p>19 When you do come up, please address the Board,</p> <p>20 not the applicant or each other. Just to keep it</p> <p>21 orderly. And thank you.</p> <p>22 So this evening, public hearing, open public</p> <p>23 hearing at 7:06, Overlook Ridge, LLC, applicant,</p> <p>24 and Bella Sand, LLC, owner, request</p> <p>25 Master/Preliminary Plan review for a major land</p>	<p style="text-align: right;">Page 4</p> <p>1 Planned District Residential, authorizing three</p> <p>2 units per acre for a total of 34 units on 11.5</p> <p>3 acres of land. They also requested an amendment to</p> <p>4 the Land Use Map and the Comprehensive Plan. And</p> <p>5 they also identified at that time that they would</p> <p>6 make a certain number of affordable units. I think</p> <p>7 in their plan they had originally indicated three.</p> <p>8 Upon that application being filed with the</p> <p>9 council, a couple of things happened at that moment</p> <p>10 in time. The law requires that that application be</p> <p>11 sent to the Planning Board for a recommendation.</p> <p>12 That was sent to the Planning Board on March 8th of</p> <p>13 2021, and simultaneously it goes to the council,</p> <p>14 and two things happen. The Planning Board has to</p> <p>15 issue a recommendation within 45 days of that date</p> <p>16 upon receipt, and the council had to issue a</p> <p>17 decision within 65 days of receipt. That process</p> <p>18 led to a Planning Board hearing on April 12th of</p> <p>19 2021.</p> <p>20 On that day, there were two things before the</p> <p>21 Planning Board. One was a decision on the</p> <p>22 application for a Master Plan, which is here</p> <p>23 tonight as well. But also a recommendation to the</p> <p>24 council. The reason why those two were before the</p> <p>25 Planning Board on the same day, there's a State</p>
<p style="text-align: right;">Page 3</p> <p>1 development project for property located at Victory</p> <p>2 Highway, further described as Assessor's Plat 10,</p> <p>3 Lot 116, in a Planned District zone. Applicant</p> <p>4 seeks to construct 17 duplex condominiums for a</p> <p>5 total of 34 residential units restricted to persons</p> <p>6 55 or older.</p> <p>7 So at this time, I would ask that either Karen,</p> <p>8 our planner, or our solicitor, David Igliazzi, who</p> <p>9 are both here with us, if they could give us a</p> <p>10 little recap of the procedure that's before us</p> <p>11 tonight. They went to the Town Council, so here we</p> <p>12 are now at the Master Preliminary Plan before us.</p> <p>13 And I just thought it would be appropriate for us</p> <p>14 to fully understand and be clear on what is before</p> <p>15 us tonight.</p> <p>16 MR. IGLIAZZI: Madam Chairman, members of the</p> <p>17 Board, as you know, this application began in</p> <p>18 January of 2021, January 26th of 2021. The</p> <p>19 applicant actually availed himself of the</p> <p>20 procedures under 45-23-61, and filed an application</p> <p>21 to amend the zone change, which is not something</p> <p>22 that normally comes before a Planning Board as a</p> <p>23 matter of course.</p> <p>24 In that application they made an application to</p> <p>25 establish a Planned District changing the zone to a</p>	<p style="text-align: right;">Page 5</p> <p>1 statute, 45-23-61, that requires those to go to the</p> <p>2 Planning Board system simultaneously, the</p> <p>3 recommendation for the zone change simultaneously</p> <p>4 with the Master Plan.</p> <p>5 During the hearing on April -- I believe it's</p> <p>6 April 12th, 2021 before the Planning Board, the</p> <p>7 Planning Board began its analysis and its</p> <p>8 obligation under 45-23-60. There are five findings</p> <p>9 of fact that the Planning Board must find. One is</p> <p>10 that the application was consistent with the</p> <p>11 Comprehensive Plan, two, that it was consistent</p> <p>12 with the zoning. Before I get to 3.5, those were</p> <p>13 the same two issues that the applicant had</p> <p>14 simultaneously asked to be changed.</p> <p>15 So the Planning Board then began this analysis,</p> <p>16 listened to the plan on that day. There's,</p> <p>17 obviously, hours of minutes involved. But the</p> <p>18 Planning Board began their analysis, and they found</p> <p>19 that the plan at that time under the Master Plan</p> <p>20 was inconsistent with the Comprehensive Plan at</p> <p>21 that time, and it was incompatible with the</p> <p>22 existing zoning at that time. So they stopped</p> <p>23 their analysis at that point in time in their</p> <p>24 decision. They did not examine items 3, 4, and 5</p> <p>25 of the statute, and they made a conditional denial,</p>

<p style="text-align: right;">Page 6</p> <p>1 conditional denial because of the pending request 2 to change the zone change and the Land Use Map at 3 the Comprehensive Plan. And they went on in their 4 decision to recommend to the council denial of 5 those two changes.</p> <p>6 So that's what the Planning Board did on 7 April 12th of 2021. They performed both their 8 functions. And just so the record is clear, the 9 Planning Board does not decide zone changes or 10 variances, they just make recommendations on those 11 matters. They decide their planning application 12 based upon land use regulations that are consistent 13 with the zone and/or the Comprehensive Plan.</p> <p>14 That recommendation went to the council. The 15 council had public hearings on May 6th of 2021. 16 After the hearings, the council granted the zone 17 change over the recommendation of the Planning 18 Board, and granted the change to the Land Use Map, 19 and the Comprehensive Plan over the recommendation, 20 which is their right, over the recommendation of 21 the Planning Board. That essentially eliminates 22 item numbers 1 and 2 in 45-23, which is parallel to 23 article section 300-8 in the Subdivision Land 24 Regulations, which are A and B in your findings of 25 fact.</p>	<p style="text-align: right;">Page 8</p> <p>1 tonight on a combined Master Plan and Preliminary 2 Plan. They say, our concept has already been 3 vetted back in April and May and ultimately 4 approved by the council, and now we're here tonight 5 to have the Planning Board look at that concept and 6 see if our engineering can prove that we can 7 actually deliver to engineering certainty.</p> <p>8 So what I -- that's a brief recap, Madam Chair. 9 I know this has been going on for some time, over a 10 year. So, again, I know the Board is dealing with 11 those findings of fact, but the applicant would now 12 have the burden under the Land Development 13 Regulations and Rhode Island General Law 45-23-60 14 to satisfy those elements that are remaining 15 outstanding.</p> <p>16 Your decision, again, obviously, your decision 17 that was issued on April 12th, just to be clear, 18 only addressed two issues. And those two issues 19 have been reversed by the council. So essentially, 20 they're now in the affirmative before you tonight.</p> <p>21 Does that make sense?</p> <p>22 THE CHAIRWOMAN: Yes. Mr. Igliazzi, since you 23 have it open there, could you state what the 24 remaining three items are.</p> <p>25 MR. IGLIOZZI: Again, these items are virtually</p>
<p style="text-align: right;">Page 7</p> <p>1 So that came -- as a result of that finding by 2 the council, changing the zone allowing essentially 3 to cap that. The council then created, and their 4 job is to create zones -- they allowed a Planned 5 District Zone at this location for up to three 6 units per acre, they allowed the Land Use Map to be 7 amended, and they went on to mandate as a condition 8 of that plan, that there be five low- and 9 moderate-income housing units or so-called 10 affordable units contained within that project. 11 That's what the council did.</p> <p>12 As a result of what the council did, that 13 changes the law in the town. The application has 14 now come back before the Planning Board, which is 15 Step 2. The Planning Board's got two more steps. 16 Well, they have reconsideration of their decision, 17 which is a conditional denial for the Master Plan. 18 They're also here today for Step 2, which is a 19 Preliminary Plan.</p> <p>20 The difference between the Master Plan and the 21 Preliminary Plan is the Master Plan is the concept 22 of the project, and the Preliminary Plan is the 23 engineering of the project. Can we actually do 24 what we say we're going to do. And because of all 25 this time, the applicant is before the Board</p>	<p style="text-align: right;">Page 9</p> <p>1 identical, Madam Chair, members of the public, and 2 the Board. They are both in the State law under 3 45-23-60, and they're also almost identical in 4 300-8 of the local regulations. The way it works 5 is State law says, here's what you've got to do, 6 and the town should follow suit. And that's what 7 the town does as a matter of course. So they are, 8 one, that the proposed development is consistent in 9 this case, if we tie in our local regulations, not 10 with the Comprehensive Plan, but with the Gloucester 11 Comprehensive Plan and/or satisfactorily address 12 the issues, where it may be inconsistent. That's 13 item number 1.</p> <p>14 Again, number 2 is that the proposed 15 development is in compliance under State law. It 16 says with the Municipal Zoning Ordinance, and under 17 the chapter 300, it says consistent with Chapter 18 350 of the Gloucester Zoning Ordinance. Because the 19 State law applies to all 39 cities and towns, and 20 Gloucester, obviously, just applies to Gloucester. 21 But the language is virtually identical.</p> <p>22 Number 3, or number C, is that there will be no 23 significant negative environmental impact from the 24 proposed development as shown on the Final Plan 25 with all the required conditions for approval.</p>

<p style="text-align: right;">Page 10</p> <p>1 That has not been addressed. That's an open issue.</p> <p>2 D, or number 4, whether you read the State law</p> <p>3 or the local law, that the subdivision as proposed</p> <p>4 will not result in the creation of individual lots</p> <p>5 with such physical constraints to develop that a</p> <p>6 building on those lots, according to the pertinent</p> <p>7 regulations and building standards, would be</p> <p>8 impracticable as a buildable lot, essentially.</p> <p>9 Lots with such physical constraints to development</p> <p>10 may be created only if identified as a permanent</p> <p>11 open space, permanently reserved for public</p> <p>12 purposes on the approved recorded plans. So</p> <p>13 they're looking for constraint, I'll leave it to</p> <p>14 the Board, is very familiar with this, might be</p> <p>15 that the lot is constrained by wetlands that DEM</p> <p>16 won't let them build on, just to give you an</p> <p>17 example.</p> <p>18 And, finally, E, that all the proposed land</p> <p>19 developments, all subdivision lots have been</p> <p>20 adequate and have adequate and permanent access to</p> <p>21 a public street. Lot frontage on a public street</p> <p>22 without physical access shall not be considered in</p> <p>23 compliance with this requirement.</p> <p>24 Those are the very common, normal, factual</p> <p>25 findings that the Board must make that they make on</p>	<p style="text-align: right;">Page 12</p> <p>1 Board. And so as you are aware, this is the</p> <p>2 jurisdiction that you have at this point.</p> <p>3 At the last meeting that we were here, we were</p> <p>4 here for a conditional Master Plan approval, and</p> <p>5 that conditional Master Plan approval was subject</p> <p>6 to the applicant obtaining a zone change. And that</p> <p>7 was necessary because this property had a different</p> <p>8 designation, and what that designation was</p> <p>9 essentially did not allow nor did it permit two</p> <p>10 things, it didn't permit the underlying use of</p> <p>11 residential, and it didn't permit the amount of</p> <p>12 density, the so-called number of units. That was</p> <p>13 addressed when we were here by way of the proposed</p> <p>14 zone change that was being drafted and petitioned</p> <p>15 to the Town Council, and the role of the Planning</p> <p>16 Board at that point was to do two things, one is to</p> <p>17 review this property and only this property from a</p> <p>18 conceptual standpoint to determine conceptually</p> <p>19 whether or not the layout of the units would work.</p> <p>20 And then secondly, to make a recommendation</p> <p>21 pursuant to State statute to the Town Council as to</p> <p>22 whether or not the changing of the zone would be a</p> <p>23 wise decision. The Board at that point thought</p> <p>24 that it would not be a wise decision, and it's</p> <p>25 within its prerogative to do that.</p>
<p style="text-align: right;">Page 11</p> <p>1 every single application that's before them, and</p> <p>2 they're here tonight to do that. That's their</p> <p>3 charge.</p> <p>4 THE CHAIRWOMAN: Thank you very much.</p> <p>5 Karen, did you have anything at this time?</p> <p>6 MS. SCOTT: That was a pretty good summary.</p> <p>7 THE CHAIRWOMAN: Anything from the Board? Our</p> <p>8 applicant is before us.</p> <p>9 MR. MANCINI: Thank you, Madam Chair, members</p> <p>10 of the Board. For the record, my name is John</p> <p>11 Mancini on behalf of Bella Sand, LLC, and Overlook</p> <p>12 Realty, LLC. And so your solicitor took much of my</p> <p>13 wind, so he -- and I have to agree fully. But I</p> <p>14 just want to kind of walk the Board a little bit</p> <p>15 further through that, because I think this is --</p> <p>16 from the last time we were here, I think there was</p> <p>17 a little bit of confusion with regards to the</p> <p>18 process and the procedure. So let me kind of fill</p> <p>19 you in on what's happened since we were back here</p> <p>20 in 2021.</p> <p>21 Most importantly, what is in front of you is</p> <p>22 Assessor's Plat 10, Lot 116, and that is this</p> <p>23 property here, which is approximately 11.5 acres,</p> <p>24 and this is the only property that's part of the</p> <p>25 application and the only item that's before the</p>	<p style="text-align: right;">Page 13</p> <p>1 We then proceeded to the Town Council, and what</p> <p>2 we asked the Town Council to do by way of what was</p> <p>3 petitioned is two things. One is to designate this</p> <p>4 property a Planned District and designate it</p> <p>5 Planned District Residential, different from what</p> <p>6 it was, which was Planned District Commercial. And</p> <p>7 in conjunction with the designation of Planned</p> <p>8 District Residential, we also designated it with a</p> <p>9 certain density.</p> <p>10 And the Town Council approved that ordinance</p> <p>11 and permitted that this property now stands as a</p> <p>12 Planned District Residential, and in conjunction</p> <p>13 with that ordinance, the Town Council also amended</p> <p>14 your Town's Comprehensive Plan. And the amendment</p> <p>15 to the Comprehensive Plan indicates that Planned</p> <p>16 District Residential can permit three units per</p> <p>17 acre. And we showed this plan to the Town Council.</p> <p>18 This plan was part of our submission and part of</p> <p>19 what the Council considered at the time that it</p> <p>20 amended both the Comprehensive Plan and the Zoning</p> <p>21 Code.</p> <p>22 So as we come back here, what we have now is</p> <p>23 Assessor's Plat 10, Lot 116, the designated Planned</p> <p>24 District Residential, with a minimum density of</p> <p>25 three units per acre. And what does that mean? It</p>

<p style="text-align: right;">Page 14</p> <p>1 means that the zoning for residential is permitted 2 by right and the density is permitted by right. So 3 the Board essentially no longer has within its 4 purview a determination to make regarding density 5 and regarding zoning. And that essentially follows 6 what your solicitor has stated, because what the 7 Board is doing now is it's looking at our 8 Preliminary Plan and it's also looking at our 9 Master Plan. The Master Plan, the reason why we're 10 here for Master Plan is essentially a formality 11 because the project doesn't have Master Plan 12 approval, although it has an approved plan by the 13 Town Council and it has a designation for 14 appropriate zoning and it has a designation for 15 appropriate density.</p> <p>16 So when you look at 45-23-60, which is the 17 State statute that your solicitor pointed to and the 18 companion Town of Gloucester Subdivision Regulation, 19 which follows 45-23-60, lays out the five 20 requirements. And the first two requirements are, 21 one, that the proposed development is consistent 22 with the Comprehensive Community Plan and/or has 23 satisfactorily addressed the issues where there may 24 be inconsistencies. When we were last here, 25 clearly you could not have met that, or we could</p>	<p style="text-align: right;">Page 16</p> <p>1 plans have also been reviewed by your peer 2 reviewer, the Town's engineer, David Provonsil. 3 That's also part of your packet, and it's also been 4 reviewed by the Technical Review Committee which 5 has also reviewed it.</p> <p>6 So we come before you with our DEM permit, and 7 remember, the Department of Environmental 8 Management is the jurisdictional body that controls 9 drainage and it also controls wetlands. And you 10 will hear from our engineer where we stand with 11 respect to wetlands and where we stand with respect 12 to drainage. And then that has been peer-reviewed. 13 And what that means is that the town wants to 14 ensure that what our engineer has done, what the 15 DEM has done, comports with what the Town's 16 regulations are, and that has also been complied 17 with. And you'll hear that this evening, not only 18 from our engineer but also from a hydrologist.</p> <p>19 The fourth prong that is reviewed by the 20 Planning Board under 45-23-60 is that the 21 subdivision, again, this is not a subdivision, so 22 this is a Planned Development, so that the 23 development will not yield any negative 24 environmental impacts, and that all conditions of 25 approval have been met.</p>
<p style="text-align: right;">Page 15</p> <p>1 not have shown you that the plan was consistent 2 with the Comprehensive Plan, because it was not. 3 Now the Comprehensive Plan has been changed so that 4 residential is permitted and the density is 5 permitted. So the Comprehensive Plan has been 6 satisfied and met by the applicant. Secondly, 7 the proposed development is in compliance with the 8 standards and provisions in the municipality's 9 Zoning Ordinance. That has also been complied with 10 and met. So as we stand here, 1 and 2 have been 11 met by right.</p> <p>12 For Preliminary Plan, as your solicitor 13 indicated, the applicant has the burden to show to 14 the Board, demonstrate to the Board that the plan 15 that it submitted, the conceptual plan that was 16 designed at Master Plan is a feasible plan. And 17 the best evidence for that is State agency 18 approvals. And so the applicant in the last 18 19 months or 12 months has prepared a storm water 20 drainage analysis, has prepared its proper 21 retention and detention analysis, and has presented 22 the same to the Rhode Island Department of 23 Environmental Management. That has been approved.</p> <p>24 In addition to that, that report and that 25 analysis and all of the accompanying documents and</p>	<p style="text-align: right;">Page 17</p> <p>1 So there are no conditions of approval here 2 other than what the Town Council placed on our zone 3 change, which is that this development has to have 4 a requirement of five residential affordable 5 housing units. So that condition has been met, and 6 we will describe that.</p> <p>7 Additionally, we will demonstrate to the Board 8 that there's no environmental negative impacts that 9 will arise from this proposed development. The 10 fourth prong, as your solicitor has noted, is 11 whether or not this lot has any constraints which 12 would in any way inhibit or prohibit the ability 13 for the applicant to construct on this property. 14 Really, that is essentially, as far as our 15 application, are really not truly applicable as 16 there are no constraints on this parcel that make 17 our ability to develop these units not feasible. 18 That's simply demonstrated by both the DEM approval 19 as well as our own engineer's design and 20 application of this plan use regulations.</p> <p>21 And then the fifth element and the final 22 element is a question of whether or not we have 23 adequate and permanent physical access to a 24 right-of-way. That is simply taking place by the 25 fact that the units will have access to Victory</p>

<p style="text-align: right;">Page 18</p> <p>1 Highway, Route 102. That is a public right-of-way. 2 We have complete and unfettered access to that 3 right-of-way, and so we have met that prong. 4 So out of the five elements that the zoning -- 5 I'm sorry -- out of the five elements that the 6 Planning Board reviews and determines whether or 7 not we've met, we have already succeeded on four of 8 them, and our focus this evening is really on 9 number 4, and that is the determination of whether 10 there will be significant environmental impacts 11 resulting from this development. 12 So I have two witnesses with me this evening. 13 They're Nick Piampiano. He's from Advanced Civil 14 Design, engineering. He's been the project 15 engineer for this project from the beginning, and 16 he will describe the site and the layout. 17 And then we also have Bob Ferrari, who is our 18 hydrologist, and he's been engaged to look at the 19 water sources for this property, because one of the 20 elements of concern that the Planning Board had at 21 the Master Plan was a determination or a question 22 as to the feasibility of water and location impact 23 of wells, and determination as to whether or not 24 that would have any impact to offsite. 25 So that is essentially where I am at this</p>	<p style="text-align: right;">Page 20</p> <p>1 count really has not changed. I think we 2 decreased. But, essentially, what you saw at 3 Master Plan and what was reviewed by the Town 4 Council in conjunction with the zone change and the 5 amendment to the Comprehensive Plan, is essentially 6 what we're proposing. So we think the layout 7 works, and the layout has been tested by both our 8 engineer, the peer review engineer, and DEM. 9 MR. CALDERARA: As you're familiar with 10 throughout the discussions from the first time we 11 heard this plan, this Board has consistently 12 objected to that level of density. The objection 13 remains. 14 MR. MANCINI: True. But if your objection 15 remains, you have to keep in mind the fact that 16 that is no longer within your purview, because the 17 Town of Gloucester ordinance, what we're operating 18 under as the guidepost for both us and for your 19 review, is that PD Residential is permitted by 20 right, and a density of three units per acre is 21 permitted by right. 22 MR. CALDERARA: Up to three units. 23 MR. MANCINI: Up to three units. 24 MR. CALDERARA: Okay. 1.95 is up to three, not 25 exceeding.</p>
<p style="text-align: right;">Page 19</p> <p>1 point. I can have Nick Piampiano kind of walk 2 through the site, but before I do that, I just want 3 to know if there's any questions of the Board about 4 the procedure, what we're going to demonstrate to 5 the Board this evening, and any other questions 6 that the Board may have with regards to our 7 application at this point. 8 MR. CALDERARA: Clarification? You said the 9 zoning map change indicated that this was a Planned 10 District with a minimum of three per acre? Is that 11 the accurate language or is -- I remember hearing 12 at most, or something equivalent to that. 13 MR. MANCINI: Yeah. It's best that I read it. 14 So the proposed amendment to the Comprehensive Plan 15 as approved by the Town Council reads that a 16 Planned District realizing residential density of 17 up to three units per acre must have a project 18 location with direct access to a major artery 19 roadway, and factors such as availability of 20 utilities prior to use and proposed deed 21 restrictions may be considered. 22 So you're correct. So if I said a minimum of 23 three units, I was incorrect, and so I apologize 24 for that. Certainly that would change the dynamics 25 tremendously if we were doing that. But our unit</p>	<p style="text-align: right;">Page 21</p> <p>1 MR. MANCINI: Correct. But also keep in mind 2 that this plan was also part of the zone change 3 that was submitted to the Town Council. 4 MR. CALDERARA: Well, the zone change to the 5 Town Council, if I remember correctly, said that it 6 would be a Residential Planned District with five 7 affordable housing units. It didn't indicate that 8 there was any particular number of units. 9 MR. MANCINI: No. So we had actually indicated 10 that we were providing three affordable housing 11 units. 12 MR. CALDERARA: Correct. 13 MR. MANCINI: And as a condition of approval, 14 the Town Council recommended and suggested that 15 that -- that this come with five residential units. 16 So as a condition of our zone change, we are to 17 provide five residential affordable units. And 18 that's part of the overall plan that's being 19 submitted. 20 So I mean, certainly you're allowed your 21 opinion, and if your opinion is that there's still 22 a question with regards to elements 1 and 2, both 23 density and consistency with the Comp. Plan, I 24 can't dissuade you of that because the -- what we 25 have and what's been proposed and what is the</p>

<p style="text-align: right;">Page 22</p> <p>1 statutory scheme of approval is in place. And 2 we're operating under that.</p> <p>3 And so our goal here is to meet the standards 4 for the Preliminary Plan. And the standards for 5 Preliminary Plan are to confirm to the Planning 6 Board that the engineering for the project that 7 yields 34 residential units is one that works and 8 one that works to a degree of mathematical 9 certainty with respect to the drainage calculations 10 and the locations of basins and the soil types. 11 And that has been complied with by both our 12 engineer, by peer review, and by the State, by the 13 State agency approval, which is DEM, which is the 14 group that has the responsibility to issue those 15 approvals.</p> <p>16 THE CHAIRWOMAN: There's a question on Item 5 17 that talks about access to a public road. You have 18 access to Route 102. There has been conversation 19 about an emergency route to the south, I'll say.</p> <p>20 MR. CALDERARA: Cross Road.</p> <p>21 THE CHAIRWOMAN: At Cross Road. Is that part 22 of the plan?</p> <p>23 MR. MANCINI: No. There's only one means of 24 access, and that means of access is to Victory 25 Highway. So you'll see that we're not showing or</p>	<p style="text-align: right;">Page 24</p> <p>1 That is strictly for emergency vehicles.</p> <p>2 MR. MANCINI: So stay here and just go through 3 the layout. Just for the record, I think you've 4 already said you're a professional engineer, State 5 of Rhode Island?</p> <p>6 MR. PIAMPIANO: Yes.</p> <p>7 Just to back up a little bit then, I'll just 8 briefly go over the existing conditions. As was 9 previously stated, it's Plat 10, Lot 116. The land 10 contains roughly 11.54 acres, I believe. The site 11 was an existing gravel bank. It's roughly cleared 12 gravel. Most of it, there's a few areas to the 13 north that has some steeper slope grade at 20 14 percent a little bit to the west and east totally 15 possibly just under one acre.</p> <p>16 The main portion of the site that's going to be 17 used for the development is fairly flat right now. 18 It's around 0 to 3 percent slope. The existing 19 conditions out there, as was stated, we had a 20 biologist go out, certified that there were no 21 wetlands on the site. So this is completely upwind 22 of your, or even adjacent to this site.</p> <p>23 Like I stated, there's an existing driveway on 24 Route 102, a State roadway. That existing 25 entranceway to the gravel bank right now is going</p>
<p style="text-align: right;">Page 23</p> <p>1 going into -- we're not showing any other means of 2 access other than our entrance and our exit on 3 Victory Highway.</p> <p>4 MR. PIAMPIANO: I can just clarify --</p> <p>5 MR. MANCINI: We'll have Nick go through that 6 with the layout.</p> <p>7 MR. PIAMPIANO: Access (inaudible).</p> <p>8 MR. MANCINI: Just give your --</p> <p>9 MR. PIAMPIANO: Sure. Nick Piampiano, 10 Professional Engineer, Advanced Civil Design, 11 Scituate, Rhode Island.</p> <p>12 Just to answer that question, the main access 13 is off of Victory Highway, 102. That will be where 14 the residents come in and out. There will be two 15 emergency accesses on the plan. One at Cross Road. 16 These will both be gated. And the other one is 17 where there's a car driveway down to Bella Vista. 18 That will also be a gated access. So there will be 19 two emergency, but one main access.</p> <p>20 THE CHAIRWOMAN: And if it's gated, maybe just 21 a -- how and when does it get used, then?</p> <p>22 MR. PIAMPIANO: It would be -- I don't know if 23 the town feels any differently, but I would feel 24 that the fire department or emergency would have 25 the keys to open and close that, and no one else.</p>	<p style="text-align: right;">Page 25</p> <p>1 to be utilized and repurposed for the main entrance 2 to Overlook Ridge condo development.</p> <p>3 So some specifics, just on the development 4 itself. We're proposing, just as I think you had 5 seen with our last Master Plan, 34 duplex units. 6 They will all be age restricted to 55 and older. 7 We discussed the emergency access.</p> <p>8 As far as the site is concerned, we're 9 proposing six private wells. There will not be any 10 public wells. There will be six located throughout 11 the site to service a combination of, you know, 12 roughly about six units each well. There will also 13 be seven individual septic systems located onsite 14 that will serve clusters of the units. Those have 15 all been approved by R.I. DEM, so each septic 16 system has already been approved.</p> <p>17 As far as the drainage is concerned, there's 18 currently three watersheds out there. One 19 watershed drains from the northeast. There's a 20 separate second watershed that drains to the south 21 and east. And then a third watershed that drains 22 basically to the west to Bella Vista.</p> <p>23 So what we're proposing, we're going to alter 24 the actual size of the watershed a little bit, but 25 we're going to somewhat keep the same drainage</p>

<p style="text-align: right;">Page 26</p> <p>1 patterns and drainage points. So for the drainage 2 points that are going out to 102, will basically 3 encompass all the entire roadway pavement and most 4 of the units on the east side. The southern 5 portion, and that will discharge to a point where 6 we're going to have a sand filter for treatment, 7 and then offsite to the drainage area. The 8 watershed to the south will continue to be drained 9 to the south. It will be all paved, and just about 10 all the units will drain to another sand filter, 11 which will then be treated and then discharged into 12 Route 102.</p> <p>13 The remaining balance, which was originally 14 about 4.7 acres, which will be cut down to about 15 2.5 acres, will encompass a few of the units, 11 to 16 18, and those will be treated in their own bio 17 retention areas for all that roof. The rest of 18 that balance will be just free-fall offsite and at 19 a reduced rate.</p> <p>20 As far as the roadway, it's similar to what you 21 had seen before Master Plan. The total length of 22 the roadway is about 1,280 linear feet. As far as 23 parking, all the units will have two parking spaces 24 in front, and they have will two garage spaces, so 25 a total of 68 outdoor parking, 68 indoor parking.</p>	<p style="text-align: right;">Page 28</p> <p>1 consistent with the Comprehensive Plan?</p> <p>2 MR. PIAMPIANO: Yes.</p> <p>3 MR. MANCINI: And you've indicated that the 4 project received a Department of Environmental 5 Management permit. Can you describe that permit.</p> <p>6 MR. PIAMPIANO: Yes. So DEM looks at this, 7 because there are no wetlands, you can't receive a 8 wetlands permit. We are disturbing greater than 9 one acre, so we have a RIPDES and a water quality 10 approval for this.</p> <p>11 MR. MANCINI: And in addition to the DEM 12 permit, are there any particular permits required 13 for the applicant to obtain from the Town of 14 Gloucester?</p> <p>15 MR. PIAMPIANO: Just the individual unit 16 building permits.</p> <p>17 MR. MANCINI: Okay. But there's no permits 18 relative to drainage or to site analysis for 19 drainage or soil erosion that's required of the 20 applicant from the town?</p> <p>21 MR. PIAMPIANO: Not that I'm aware of unless -- 22 I don't believe the soil erosion -- if there's a 23 separate soil and erosion application, I'm not 24 aware of that.</p> <p>25 MR. MANCINI: If there was a separate soil and</p>
<p style="text-align: right;">Page 27</p> <p>1 As was stated before on the Master Plan, they 2 will meet the zoning requirements of spacing on 3 these units. They're all duplex units with a 4 minimum of 80 feet between them and a minimum of 5 25-foot rear yards.</p> <p>6 Also I'd just like to state that the site is 7 located on a State highway. We have received RIDOT 8 approval for the access. And they also looked at 9 the draining discharge and approved that.</p> <p>10 That is just about it. If there's any 11 questions, I can answer them.</p> <p>12 MR. MANCINI: Just for the record, Nick, can 13 you -- is the applicant seeking any waivers of the 14 Subdivision Regulations?</p> <p>15 MR. PIAMPIANO: No.</p> <p>16 MR. MANCINI: Is the applicant seeking any 17 waivers of the Zoning Ordinances?</p> <p>18 MR. PIAMPIANO: No.</p> <p>19 MR. MANCINI: To your knowledge in the review 20 of the plan and the Town of Gloucester Zoning 21 Ordinances, does the application meet the 22 municipality's required zoning regulations?</p> <p>23 MR. PIAMPIANO: Yes. As stipulated by the Town 24 Council, yes.</p> <p>25 MR. MANCINI: To your knowledge is the project</p>	<p style="text-align: right;">Page 29</p> <p>1 erosion application, would that be issued at the 2 time of the -- would that be acquired at the time 3 of the issuance of the building permit?</p> <p>4 MR. PIAMPIANO: Yeah, or just before.</p> <p>5 MR. MANCINI: But is it part of the Preliminary 6 Plan?</p> <p>7 MR. PIAMPIANO: No. It's on the checklist.</p> <p>8 MR. MANCINI: And you mentioned that it was -- 9 that the applicant received a physical alteration 10 permit from Rhode Island Department of 11 Transportation, is that correct?</p> <p>12 MR. PIAMPIANO: Yes.</p> <p>13 MR. MANCINI: Can you describe what that permit 14 is.</p> <p>15 MR. PIAMPIANO: So that permit allows you to 16 access the State roadway once you change the use of 17 a site, which is exactly what we have here. It's 18 an existing -- it was an existing gravel bank, and 19 now it's going to be a residential development. So 20 what they look at is impact on the State highway. 21 They look at drainage, traffic, site distance, 22 anything like that, and --</p> <p>23 MR. MANCINI: In addition, to your knowledge 24 has the applicant received a certificate of 25 completion from the town planner?</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. PIAMPIANO: Yes.</p> <p>2 MR. MANCINI: What does the certificate of 3 completeness mean?</p> <p>4 MR. PIAMPIANO: My understanding, it's the Town 5 has a checklist of different things that they want 6 to see as far as being complete for approval or 7 taken to the Board for requests for approval for a 8 Preliminary Plan.</p> <p>9 MR. MANCINI: So is it your understanding that 10 the application submitted by the applicant is 11 certified complete?</p> <p>12 MR. PIAMPIANO: Yes.</p> <p>13 MR. MANCINI: And to your knowledge, given that 14 Victory Highway is a State roadway, are there any 15 permits required from the Town of Gloucester with 16 respect to access to that roadway?</p> <p>17 MR. PIAMPIANO: No, I don't believe there is.</p> <p>18 MR. MANCINI: Right. So is it your testimony 19 that the applicant before the Planning Board has 20 all of the necessary State approvals for its 21 submission?</p> <p>22 MR. PIAMPIANO: Yes.</p> <p>23 MR. MANCINI: And aside from -- are there any 24 other approvals required of it from any State 25 agency?</p>	<p style="text-align: right;">Page 32</p> <p>1 DEM incorporate soil and erosion?</p> <p>2 MR. PIAMPIANO: Yes, it does. And there are 3 soil and erosion -- it is incorporated into these 4 plans tonight.</p> <p>5 MR. MANCINI: And that's been reviewed and 6 approved by R.I. DEM.</p> <p>7 MR. PIAMPIANO: Yes.</p> <p>8 MR. IGLIOZZI: Madam chair, I did not hear the 9 engineer, before he leaves, address the zero net 10 runoff requirement?</p> <p>11 Did you address that? Did I miss it?</p> <p>12 MR. PIAMPIANO: No. So what we have as far as 13 that goes, so there is -- in some areas going out 14 to Route 102 for the 100-year storm there is a 15 small increase. All the other storms in the area 16 going to Bella Vista is actually decreased by about 17 50 percent. So there is a small increase, but it 18 was considered insignificant by both DOT and 19 the -- just for the 100-year storm. The one to 20 25, it actually decreases.</p> <p>21 MR. MANCINI: And you said that that was 22 reviewed by DEM and DOT?</p> <p>23 MR. PIAMPIANO: Yes.</p> <p>24 MR. MANCINI: And that was found to be 25 acceptable and compliant with their regulations?</p>
<p style="text-align: right;">Page 31</p> <p>1 MR. PIAMPIANO: Not that I'm aware of.</p> <p>2 MR. MANCINI: Okay.</p> <p>3 MS. SCOTT: I just want to make one 4 clarification. The Town doesn't have a separate 5 soil and erosion permit, but soil erosion control 6 is reviewed by part of the Preliminary Plan review 7 process. So it's incorporated into the plan.</p> <p>8 MR. MANCINI: So we're clear, so the Town does 9 not have its own soil and erosion permit.</p> <p>10 MS. SCOTT: On top of what DEM does, no. But 11 it's -- soil and erosion control review and 12 approval is part of the preliminary plan review.</p> <p>13 MR. MANCINI: So the soil and erosion permit is 14 incorporated within the RIPDES permit, and there's 15 no additional permit required of the applicant by 16 way of a separate Town of Gloucester permit.</p> <p>17 MS. SCOTT: There is not a permit, but 18 there's --</p> <p>19 MR. MANCINI: Right now I'm just -- 20 (MULTIPLE SPEAKERS)</p> <p>21 MS. SCOTT: They have to approve the soil and 22 erosion control plan as part of the preliminary 23 plan review.</p> <p>24 MR. MANCINI: Okay. So my question to you, 25 then, is, does the RIPDES permit as issued by the</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. PIAMPIANO: Yes.</p> <p>2 MS. FURNEY: Mr. Piampiano, in regard to the 3 storm frequency, and you said it was designed for a 4 hundred year, but we all know, last year we had at 5 least two 100-year storms happen within a couple of 6 months of time and a lot of areas did get flooded 7 out. Is there any different design standard that 8 you would use to take an effect or that -- the 9 climate has been changing of course, and storms are 10 becoming more severe, more severe. So the 11 hundred-year storm is probably going to happen more 12 often than a 25-year storm.</p> <p>13 MR. PIAMPIANO: I agree.</p> <p>14 MS. FURNEY: It's probably not going to be 15 considered a hundred-year storm anymore, it will be 16 considered a 25-year related to frequency. So will 17 your design standards change taking that 18 information into account?</p> <p>19 MR. PIAMPIANO: Well, we're designing to the 20 standards that DEM is looking at right now. And I 21 do agree with you, things are changing faster than 22 possibly the regulations can keep up. A few years 23 ago they did change their design standards. Now, 24 whether that needs to be changed again, you know, I 25 can understand that, but currently this design is</p>

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1 to the current DEM regulations.

2 MS. FURNEY: And would it be in the interests

3 of the development to be proactive rather than

4 reactive to actually design something that would

5 accommodate that so we don't have to look at it in

6 the future?

7 MR. PIAMPIANO: I think under certain

8 circumstances it's definitely worth looking at and

9 a conservative approach is definitely met.

10 MS. FURNEY: Nick, I don't know if you did all

11 of the -- did you do all of the design with the

12 location of the wells and septic and everything

13 else?

14 MR. PIAMPIANO: So, yes, I did all the septic

15 and well locations, yes.

16 MS. FURNEY: I know on Page 4 -- first of all,

17 there are two Page 4s. One was -- it's not listed

18 enclosed here. This is all the overall layout

19 plan, and I think the other one is called the

20 landscape. If you want to point that out --

21 MR. PIAMPIANO: That was done by someone else.

22 MS. FURNEY: On Page 4 of the street scape, and

23 this basically is what the development looked like,

24 it's a straight road, it goes straight down. And

25 what you'll see when you go down the road is walls,

Page 35

1 the sides of the building with a window on the left

2 over here with two windows, but it's the garages,

3 basically, that you're looking at that come out

4 onto the street.

5 MR. PIAMPIANO: Yes.

6 MS. FURNEY: I know in your own -- let's see.

7 Page 5 of the -- right here. It says that there

8 will be a 25-foot minimum driveway in front of each

9 garage?

10 MR. PIAMPIANO: Yes.

11 MS. FURNEY: But I know, and when I scaled

12 everything out, because everything didn't look

13 exactly the same to me, there are several -- for

14 instance, on Lot 1, it's a 23-foot driveway; on 17,

15 it's 24; 18 is 24; 13 is 23; 14 is 23; 11 is 24;

16 and Unit 12 is also 24. So if the intent is to

17 have a 25-foot, which nowadays fits a truck, many

18 people drive F-150s, me included, that would not

19 fit in a 23-foot driveway, it would be sticking out

20 in the street.

21 MR. PIAMPIANO: I can check those and make sure

22 that they'll all be 25 feet.

23 MS. FURNEY: Okay. So that would be a minimum,

24 anyway. So that would change your design,

25 especially with your distances from your property

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1 lines.

2 MR. PIAMPIANO: I'll take a look at that.

3 THE CHAIRWOMAN: Just a comment on that before

4 we move on. I was looking back, and originally one

5 of the designs that came before us showed a 20-foot

6 setback from the rear of the building to the lot

7 line. And I know you've said that they'd all be 25

8 now. So you'll want to measure all of that if

9 you're readjusting for the driveways as well.

10 MR. PIAMPIANO: Sure.

11 MR. MANCINI: So that's not going to change any

12 of the dimensions. So we'll stipulate that all the

13 driveways are at a minimum of 25.

14 MR. CALDERARA: And all the backyards are a

15 minimum of 25.

16 MR. PIAMPIANO: Right.

17 MS. FURNEY: But, of course, the driveway

18 lengths are also the setback. So those dimensions,

19 especially on the rear, the property line would

20 change.

21 MR. PIAMPIANO: Yes. They will.

22 MS. FURNEY: Another question now, it was

23 each -- there will be one septic tank for each two

24 units, is that correct?

25 MR. PIAMPIANO: Yes.

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1 MS. FURNEY: And what are the regulations

2 between distances from a well for a septic tank?

3 MR. PIAMPIANO: It's 75 for a septic tank.

4 MS. FURNEY: Because I did happen to see there

5 was one that was within 76, so you beat it by a

6 foot.

7 MR. PIAMPIANO: Yeah.

8 MR. DEGRANGE: Is there any setback difference

9 between a well and a septic for public well and

10 where they share? Is that 75 still, or --

11 MR. PIAMPIANO: On the tank, there's not, but

12 there is a difference on the leach field to 200

13 feet.

14 MS. FURNEY: And you're only proposing -- I

15 think in the report it says six leach fields. But

16 actually on the plans there are seven?

17 MR. PIAMPIANO: Six wells and seven leach

18 fields.

19 MS. FURNEY: In the project's narrative, the

20 impact analysis report on Page 1, it did say that

21 there were six stated in that report, but as you

22 just mentioned, there are seven. So there's a

23 discrepancy there with what is actually listed on

24 your own narrative and what's on the page.

25 So in looking at, of course, the leach OWTS

<p style="text-align: right;">Page 38</p> <p>1 system, that be would the leach field, are</p> <p>2 different sizes for -- is that based on the soil?</p> <p>3 MR. PIAMPIANO: Actually, the soil is very</p> <p>4 consistent out there. It's mostly based on the</p> <p>5 actual units that they're serving. So depending on</p> <p>6 how many combinations. I think there's -- some are</p> <p>7 four units, some are six, and I think there might</p> <p>8 even be a two-unit. So they're really, the size</p> <p>9 difference is based on the number serving. The</p> <p>10 soils are regular homogeneous throughout. It's a</p> <p>11 sandy material, and it doesn't vary much in any of</p> <p>12 the locations.</p> <p>13 MS. FURNEY: Most of them are servicing six</p> <p>14 units, you're right. A couple of them were</p> <p>15 servicing units five and not six. How will the</p> <p>16 runoff from the septic tanks to the leach field as</p> <p>17 they're located on the plans? There was no</p> <p>18 underground --</p> <p>19 MR. PIAMPIANO: Everything is gravity.</p> <p>20 MS. FURNEY: Yeah, but your septic tank has to</p> <p>21 go into -- the overflow goes into a leach field, if</p> <p>22 I'm correct.</p> <p>23 MR. PIAMPIANO: Yes. All gravity.</p> <p>24 MS. FURNEY: But where would the lines be?</p> <p>25 Are they going down the street and then running one</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. PIAMPIANO: Exactly. It's the same</p> <p>2 principle as 3 and 4.</p> <p>3 MS. FURNEY: So I know you had mentioned, the</p> <p>4 site basically flows down.</p> <p>5 MR. PIAMPIANO: Yeah. You know, there are</p> <p>6 three watersheds, but, yes. Right now, the way the</p> <p>7 site is graded, it does run basically north to</p> <p>8 south. I mean, there's areas that split over.</p> <p>9 There's some low spots in the north, and then, you</p> <p>10 know, of course, the south around Cross Road is the</p> <p>11 actual lowest point of the site.</p> <p>12 MS. FURNEY: The Units 11 and 12, which system</p> <p>13 would that utilize?</p> <p>14 MR. PIAMPIANO: So 11 and 12 are going to</p> <p>15 utilize -- they're going to -- the line will cross</p> <p>16 under the street and tie into the same system that</p> <p>17 5 and 6 do.</p> <p>18 MS. FURNEY: So then it's 3, 4, 5, 6 and 11 and</p> <p>19 12 will be utilizing that same leach field.</p> <p>20 MR. PIAMPIANO: Yes.</p> <p>21 MS. FURNEY: I was just wondering on the</p> <p>22 logistics which ones are going to be because there</p> <p>23 were none shown on any of them.</p> <p>24 MR. PIAMPIANO: Yeah, I understand that. Kind</p> <p>25 of the plans started to get -- because the plans</p>
<p style="text-align: right;">Page 39</p> <p>1 continuous line down for all of your discharge of</p> <p>2 your sewage disposal?</p> <p>3 MR. PIAMPIANO: No. So they basically go -- it</p> <p>4 will be the shortest distance. I don't think for</p> <p>5 clarity, the septic plans show all the details on</p> <p>6 the building sewers and all the piping. So those</p> <p>7 are all located on the septic system plans.</p> <p>8 MS. FURNEY: So, for instance, the line going</p> <p>9 from, say, number six, you see the description is</p> <p>10 right outside -- number five, rather.</p> <p>11 MR. PIAMPIANO: Sure.</p> <p>12 MS. FURNEY: What leach field would that be</p> <p>13 utilizing?</p> <p>14 MR. PIAMPIANO: It's going to the closest one</p> <p>15 to it.</p> <p>16 MS. FURNEY: Which is right next to it.</p> <p>17 MR. PIAMPIANO: Yes.</p> <p>18 MS. FURNEY: And the same thing for six.</p> <p>19 MR. PIAMPIANO: Units 6 and 5 get plumbed</p> <p>20 inside and then come out to a septic tank. And</p> <p>21 then they go to that closest leach field. So 6 and</p> <p>22 5 utilize one septic tank, and they go to that</p> <p>23 nearest leach field.</p> <p>24 MS. FURNEY: So would also that 3 and 4, that</p> <p>25 would also use that same one?</p>	<p style="text-align: right;">Page 41</p> <p>1 were really getting cluttered.</p> <p>2 MS. FURNEY: So will you be doing a separate --</p> <p>3 MR. PIAMPIANO: They all have separate and are</p> <p>4 all approved separately. So the Town does have a</p> <p>5 copy of those, as well as the owner, and I get a</p> <p>6 copy of them.</p> <p>7 MS. FURNEY: And those are being installed,</p> <p>8 though, as each individual unit is put in? Or --</p> <p>9 MR. PIAMPIANO: Well, so you have to install</p> <p>10 the full septic system. It won't be conformed</p> <p>11 until actually all three, let's say, all three of</p> <p>12 those buildings are up and running. But as far as</p> <p>13 time goes, and it's similar to what we did in</p> <p>14 Bella, was that if a couple of units came on and</p> <p>15 they had a shared system, the whole system would</p> <p>16 get installed. Now, DEM could not conform the</p> <p>17 system until, let's say the septic tank on the</p> <p>18 other side was tied in and everything was actually</p> <p>19 tied in.</p> <p>20 MR. CALDERARA: By conformed you mean approve</p> <p>21 it.</p> <p>22 MR. PIAMPIANO: Yeah. It can be used but it's</p> <p>23 not officially conformed that it's to their</p> <p>24 standard.</p> <p>25 MR. CALDERARA: All right. Make sure I</p>

<p style="text-align: right;">Page 42</p> <p>1 understood the term.</p> <p>2 MR. PIAMPPIANO: Kind of a technicality in this</p> <p>3 area there are shared ones. That's how we did it.</p> <p>4 That's how it's probably going to get done here if</p> <p>5 this goes through.</p> <p>6 THE CHAIRWOMAN: Does the DEM approval of the</p> <p>7 septic systems include the designs that you'll have</p> <p>8 interior to the building? If there's two</p> <p>9 apartments sharing the line --</p> <p>10 MR. PIAMPPIANO: Yeah, that leaves -- no, they</p> <p>11 stop at the building wall. The interior plumbing</p> <p>12 is -- that's a Town issue.</p> <p>13 THE CHAIRWOMAN: Is that a common practice for</p> <p>14 a duplex-type unit to share plumbing leading to a</p> <p>15 septic system?</p> <p>16 MR. PIAMPPIANO: I think it is. It's not the</p> <p>17 first time -- you could do it other ways, but the</p> <p>18 flow with being two-bedroom units, each duplex</p> <p>19 really is just a four-bedroom house, so it kind of</p> <p>20 makes sense that that flow would be shared that way</p> <p>21 into the septic tank.</p> <p>22 MS. FURNEY: So, then, in essence each leach</p> <p>23 field is designed and the distribution box is</p> <p>24 designed for a 12-bedroom house.</p> <p>25 MR. PIAMPPIANO: Well, it really -- it depends.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. FURNEY: Now, I know in -- I've got the</p> <p>2 application, it's for 11.5 acres, but in your --</p> <p>3 let's see. This was the report that was done --</p> <p>4 hold on, bear with me, please -- which was Page 1</p> <p>5 of the project narrative. It does say right on</p> <p>6 the -- I think it was the first paragraph -- that</p> <p>7 there are -- there are no wetlands onsite, so</p> <p>8 that's -- it doesn't take into account any area</p> <p>9 that's not buildable. But there were a sizeable,</p> <p>10 actually, 43,517 square feet of land that is in</p> <p>11 excess of 20 percent slope, which is not buildable.</p> <p>12 MR. PIAMPPIANO: Yes.</p> <p>13 MS. FURNEY: Even though it's not figured into</p> <p>14 how many units you can squeeze in, but, in essence,</p> <p>15 there is a full acre that's not useable at all.</p> <p>16 Because the slope at the north end of the site is a</p> <p>17 50 percent slope. So, basically, people who would</p> <p>18 be living in Units 7, 8, 9 and 10, when they look</p> <p>19 out their back, the slope goes up, let's see, 40</p> <p>20 feet and 80 feet. The rise is 40 feet over.</p> <p>21 MR. PIAMPPIANO: Yes.</p> <p>22 MS. FURNEY: So they'll see a massive wall of</p> <p>23 cliff, I mean, mountain or whatever. Is there any</p> <p>24 plan to do any type of soil erosion on that to make</p> <p>25 sure during the hundred year storm that happens</p>
<p style="text-align: right;">Page 43</p> <p>1 So the first two units that are 7, 8, 9, and 10,</p> <p>2 it's four units there. Those have -- it's designed</p> <p>3 for those four units, so each one is, depending on</p> <p>4 how many units, what the cluster is.</p> <p>5 MS. FURNEY: I know septic systems and OWs are</p> <p>6 based on number of bedrooms. That's why whenever</p> <p>7 we have an application for an inlaw or whatever, we</p> <p>8 always make sure that it can still be handled by</p> <p>9 the existing dwelling's OWTS. So if there's -- let</p> <p>10 me just point out the top, and I think these are</p> <p>11 the smaller ones, that would be eight units. Eight</p> <p>12 bedrooms.</p> <p>13 MR. PIAMPPIANO: Eight bedrooms. Correct.</p> <p>14 MS. FURNEY: And then the one further down</p> <p>15 would be 12 where I can see that leach field is</p> <p>16 much larger, and then -- so as they get lower down,</p> <p>17 for instance, the one that's right across from the</p> <p>18 main entrance, that's only, I guess, two rows of</p> <p>19 drainage. And so that one would also be for a</p> <p>20 12 unit? Or a 12 bedroom. Excuse me.</p> <p>21 MR. PIAMPPIANO: Typically, if it's two rows,</p> <p>22 that would probably be four units or eight bedrooms</p> <p>23 based on these soil types here, and this design.</p> <p>24 But everything here is based on the number of</p> <p>25 bedrooms. That's what got approved by DEM.</p>	<p style="text-align: right;">Page 45</p> <p>1 more frequently will not be washing right down.</p> <p>2 MR. PIAMPPIANO: Yeah. It's actually stabilized</p> <p>3 right now. It was stabilized, I think a couple of</p> <p>4 years ago. So there's loam and there's vegetation</p> <p>5 growing on it. I actually was out there not that</p> <p>6 long ago. I didn't see any washouts, but if there</p> <p>7 are something and it needs to be stabilized, we'll</p> <p>8 take care of that. But I don't believe there were</p> <p>9 any issues with that so --</p> <p>10 MS. FURNEY: You would do it with rip rap or --</p> <p>11 MR. PIAMPPIANO: If we had to. I mean, there's</p> <p>12 other methods that we can use to try to stabilize,</p> <p>13 some mesh or jute mesh, and things like that and</p> <p>14 erosion blankets. It really depends, but I think</p> <p>15 things held up pretty well over there. It's been a</p> <p>16 couple of years now. So like I said, the</p> <p>17 vegetation has taken hold in there. But we can</p> <p>18 keep an eye. If there's any washouts, we can take</p> <p>19 care of that.</p> <p>20 MS. FURNEY: On Page 6, I know you had</p> <p>21 mentioned that there was a separation, required</p> <p>22 separation from your septic tanks of 75 feet.</p> <p>23 MR. PIAMPPIANO: Yes.</p> <p>24 MS. FURNEY: On the proposed well, on the</p> <p>25 bottom of the -- between buildings 25 and 24, you</p>

<p style="text-align: right;">Page 46</p> <p>1 can see there's a proposed well.</p> <p>2 MR. PIAMPIANO: Yes.</p> <p>3 MS. FURNEY: And just 46 feet away from that is</p> <p>4 the septic tank.</p> <p>5 MR. PIAMPIANO: Yeah. I must not have changed</p> <p>6 it on this plan, but it will definitely be on the</p> <p>7 approved septic because DEM will not allow that.</p> <p>8 So I'll make sure I address that. It's got to be</p> <p>9 corrected on the septic.</p> <p>10 MS. FURNEY: And I assume the pipe for that</p> <p>11 particular septic tank will be going -- flowing</p> <p>12 down to the leach field that's on the bottom --</p> <p>13 MR. PIAMPIANO: That's correct.</p> <p>14 MS. FURNEY: -- left corner?</p> <p>15 MR. PIAMPIANO: Yes.</p> <p>16 MS. FURNEY: Why is that located so far from</p> <p>17 the unit? I know you said most of them are within,</p> <p>18 you know, ten feet or so of the buildings.</p> <p>19 MR. PIAMPIANO: This is the longest run. They</p> <p>20 actually -- the gravity flow is pretty good here,</p> <p>21 and it was actually to get separation from wells.</p> <p>22 And there was actually another issue. Over here,</p> <p>23 you know, we had to use all virgin ground, or at</p> <p>24 least cut soil, so anything that was filled can't</p> <p>25 be used. So it looks like there were some filled</p>	<p style="text-align: right;">Page 48</p> <p>1 of Unit 19, so it would be out in the side yard.</p> <p>2 MS. FURNEY: I'm talking about the one that's</p> <p>3 right in front of Unit 20. At least I have that on</p> <p>4 my plan.</p> <p>5 MR. PIAMPIANO: Well, that shouldn't be the</p> <p>6 septic tank. It does look like a box.</p> <p>7 MS. FURNEY: Especially when it had two</p> <p>8 circles.</p> <p>9 MR. PIAMPIANO: The septic tank is definitely</p> <p>10 to the right and runs across the street.</p> <p>11 MS. FURNEY: That's the only thing I have. I</p> <p>12 will have water questions.</p> <p>13 MR. DEGRANGE: You mentioned that the northern</p> <p>14 section of the property will run off into the Bella</p> <p>15 Vista area. Whereabouts on that is that?</p> <p>16 MR. PIAMPIANO: Yeah, so there's an existing --</p> <p>17 and this was put in for Bella Vista just because at</p> <p>18 the time there was -- it looked like there was a</p> <p>19 decent amount of runoff coming off the golf course,</p> <p>20 and this is rip rap, and this is just a large</p> <p>21 retention area, basically a hole in the ground, is</p> <p>22 there to receive that, anything that came off</p> <p>23 there. So the only area that we have to grab is</p> <p>24 this steep slope area that will continue. The rest</p> <p>25 of it we're going to try to push all the way out to</p>
<p style="text-align: right;">Page 47</p> <p>1 areas over here, so this is all virgin ground. So</p> <p>2 that's why that was used for a septic location.</p> <p>3 THE CHAIRWOMAN: And you were able to achieve</p> <p>4 all your 200-foot distances for your leach field,</p> <p>5 for your wells?</p> <p>6 MR. PIAMPIANO: There's no public wells</p> <p>7 proposed, these are all private wells. So the</p> <p>8 minimum setback is 100 feet.</p> <p>9 THE CHAIRWOMAN: Are your wells already</p> <p>10 established?</p> <p>11 MR. PIAMPIANO: One is. And we do have our</p> <p>12 hydrologist here that can go over any well</p> <p>13 questions. But this one in the northern portion is</p> <p>14 already put in and getting tested.</p> <p>15 MS. FURNEY: I guess I was looking for the</p> <p>16 leach field for Units 19 and 20.</p> <p>17 MR. PIAMPIANO: So 19 and 20, that runs -- if</p> <p>18 you look at 33 and 34 across the street, that's</p> <p>19 for -- those four units share that one right next</p> <p>20 to 33 and 34. Right near the main entrance.</p> <p>21 MS. FURNEY: For 18, 19, and 20, the septic</p> <p>22 tank would be located in the walkway to the front</p> <p>23 door.</p> <p>24 MR. PIAMPIANO: No, it's coming off -- it's off</p> <p>25 the side. It's probably about 20 feet to the north</p>	<p style="text-align: right;">Page 49</p> <p>1 102. And the nice thing about this is this large</p> <p>2 retention area just sitting there to accept any --</p> <p>3 MR. DEGRANGE: And DEM deems that sufficient to</p> <p>4 handle that, even with the current issue?</p> <p>5 MR. PIAMPIANO: Yeah. Well, it's the existing</p> <p>6 condition, actually. We're not proposing any of</p> <p>7 the roof runoff, it's all this. And it's actually</p> <p>8 kind of -- it doesn't swale over in that position,</p> <p>9 but it comes a little bit to the south and goes in.</p> <p>10 It's kind of shaped like that right now. So the</p> <p>11 only difference is we're going to cut off some of</p> <p>12 that and just accept it right at the top and just</p> <p>13 have it go in there.</p> <p>14 MR. DEGRANGE: And then the soil both -- I was</p> <p>15 actually looking at both the previous wastewater</p> <p>16 treatment design from the previous -- from Bella</p> <p>17 Vista. Are the soils pretty similar on both</p> <p>18 properties?</p> <p>19 MR. PIAMPIANO: Yeah, the soils are similar.</p> <p>20 The water tables are much better up here, it's just</p> <p>21 higher in the soil. Some locations, it's</p> <p>22 definitely more uniform here. There was a little</p> <p>23 bit of variance in Bella Vista, but overall, it's</p> <p>24 pretty much like a fine sand. In both areas, a</p> <p>25 fine sand. There was actually a little crushed</p>

<p style="text-align: right;">Page 50</p> <p>1 sand down in the southern area, but most of it is 2 fine sand.</p> <p>3 THE CHAIRWOMAN: Any other questions for 4 Mr. Piampiano?</p> <p>5 MR. MANCINI: So, Nick, just going back to 6 45-23-60, in your opinion as a registered 7 professional engineer, is there any significant 8 negative environmental impact that this property 9 will yield to the surrounding properties?</p> <p>10 MR. PIAMPIANO: No.</p> <p>11 MR. MANCINI: Are there any significant 12 environmental impacts in your opinion as a PE that 13 this project will cause?</p> <p>14 MR. PIAMPIANO: No.</p> <p>15 MR. MANCINI: To your knowledge, does this 16 project have adequate and physical access to a 17 public right-of-way?</p> <p>18 MR. PIAMPIANO: Yes.</p> <p>19 MR. MANCINI: So I have one more witness, and 20 that's Mr. Ferrari. He's the individual that was 21 engaged by the developer to look at the wells and 22 the hydrology here. With that, I will just ask 23 that he be sworn in.</p> <p>24 MR. CALDERARA: We don't swear people in.</p> <p>25 MR. MANCINI: Okay. If you can provide your</p>	<p style="text-align: right;">Page 52</p> <p>1 sufficient water source and availability to support 2 the proposed development, but also to assess 3 potential impacts on the underlying water 4 resources, surrounding wetlands and water courses, 5 as well as neighboring wells, which could be public 6 wells or private wells or other potential adverse 7 impacts.</p> <p>8 So it's a multifaceted evaluation, and 9 recognizing that not just Planning Boards, but 10 typically communities as a general statement are 11 often concerned with water supply, and potential 12 impacts is typically a major concern for most 13 projects that are being proposed.</p> <p>14 On this particular project, you're already, I 15 think, quite familiar with the basics of it, so I 16 will move past that. But I will do a brief 17 summation, and I'm going on the assumption that the 18 Planning Board has already had the opportunity to 19 review the -- what we call the preliminary 20 hydrologic evaluation that we performed last year 21 was submitted as part of the applicant's process.</p> <p>22 The proposed project is, as stated earlier, 23 34, two-bedroom units. It's defined as age 55 or 24 older residential housing. What we did for this 25 was the first thing we do is we establish the basis</p>
<p style="text-align: right;">Page 51</p> <p>1 name, resume, to the stenographer.</p> <p>2 MR. FERRARI: My name is Robert F. Ferrari. 3 Last name is spelled F-E-R-R-A-R-I. I'm a 4 registered professional engineer in Rhode Island, 5 among other states. I have 45 years of experience 6 and been practicing in Rhode Island for 39 years.</p> <p>7 My business is Northeast Water Solutions. It's 8 located in Exeter, Rhode Island. And we specialize 9 in water resources, public water systems, water 10 treatment, water source development, and operation 11 of public water systems.</p> <p>12 THE CHAIRWOMAN: Welcome.</p> <p>13 MR. FERRARI: Just an administrative item here, 14 just for the record, Chairwoman Pitocco and I have 15 a previous business relationship in her prior 16 employment in the jewelry and plating industry. At 17 one time I was doing a lot of the consulting when 18 Rhode Island actually had a jewelry and plating 19 industry. So we've known each other for a long 20 time, but just for the record on that.</p> <p>21 THE CHAIRWOMAN: That's a lot of years ago.</p> <p>22 MR. FERRARI: I appreciate your time and your 23 indulgence here. I was retained by the developer 24 to evaluate water supply and water resources. My 25 role is not just to determine if there is a</p>	<p style="text-align: right;">Page 53</p> <p>1 of design. That's to assess how much water do we 2 actually need to support this development. Using 3 the standard RI DEM and Rhode Island Department of 4 Health values, it's done on a per bedroom basis. 5 The basis is a hundred and fifteen gallons per day 6 per bedroom, and it's under the assumption of two 7 people per bedroom. On that basis, with 68 8 bedrooms, the maximum demand a day was about seven 9 eight hundred and twenty gallons per day, the 10 average demand day is 5,213 gallons per day.</p> <p>11 I want to point out that that's based upon 12 classic residential occupancy. Age 55 housing, 13 typically, the residents have lower water use. 14 There's a fairly established database for that. 15 But for this evaluation, we use the full 16 allocations required by DEM and the Department of 17 Health. We want to have a conservative evaluation, 18 or, if you will, worst-case evaluation there.</p> <p>19 The site is in the Chepachet River 20 Sub-Watershed. That's a sub-watershed to the 21 Branch River Watershed which in turns flows into 22 this part of the Blackstone River Watershed. The 23 Chepachet Watershed is about 21 square miles. The 24 Blackstone is 774 square miles, and so it's part of 25 a fairly large watershed.</p>

<p style="text-align: right;">Page 54</p> <p>1 The soils in the area we have on the site, as 2 well as most of the region, they're what they call 3 Hinckley loamy sand. They are principally versions 4 of glaciofluvial outwash or glacial outwash. These 5 typically are very highly transmissive soils, and, 6 in fact, the permeability of these soils ranges 7 from about two inches to about 99 inches per hour 8 on infiltration rate. So they're fairly 9 transmissive soils. Those soils actually start 10 west of the site and they continue to the Chepachet 11 River. The Chepachet River, like most of the 12 streams and rivers in the Blackstone Basin, tends 13 to course through sand and gravel deposits. And 14 this area in particular is indicative of that.</p> <p>15 The reason I have this site, these two figures 16 here, they're right from the report. There's a 17 couple of very -- there's one very unique 18 characteristic about this project site, and it's in 19 the report but I think it's important to present 20 that. One is that the drainage in the area -- this 21 is the site over here, here's Victory Highway, 22 here's Route 100. The reason the drainage is 23 nominally to the east from the west, it courses 24 east and southeast, interestingly, around the site, 25 drainage from the Sucker Pond actually curls right</p>	<p style="text-align: right;">Page 56</p> <p>1 seems that you get -- that's where you get a lot of 2 bedrock -- water flowing through the bedrock.</p> <p>3 In this area here, we have very thick soil 4 deposits and, again, it's these glaciofluvial soils 5 that are very transmissive, especially the sands 6 and gravels. If you look at drilling logs, as I 7 have from this area, that's what you see. Those 8 deposits, because we have an undulating bedrock 9 surface, those deposits are anywhere from 50- to 10 90-feet deep, which is very substantial. It 11 actually gets deeper as you move towards the 12 Chepachet River.</p> <p>13 A little bit to the east of the site we have 14 another contact face where we have the Absalona 15 Formation of the Harmony group. I don't expect 16 everybody to know these geologic terms, but you 17 actually can look these up very readily. And so we 18 have another contact face. So this project's site 19 is actually almost at a point of convergence of 20 these two contact faces. And that is very 21 promising as far as water availability in bedrock 22 fractures.</p> <p>23 Another consideration here is that there was, 24 you know, we had multiple glacial advances and 25 retreats over the last, say, hundred thousand,</p>
<p style="text-align: right;">Page 55</p> <p>1 around the site, ultimately into the Chepachet 2 River, which flows back northeast. The onsite 3 drainage -- at the microlevel there is some 4 drainage to the west, but most of the drainage is 5 actually south, and then courses then southeast 6 towards the Chepachet River. So most of the 7 recharge entering the site comes from either the 8 north or the west.</p> <p>9 There's one very, very unique feature about 10 this site, and that is, if you look at this figure 11 here, this is the site, this white outline of the 12 project site, and we have a geologic contact or a 13 divide underneath the site. The original bedrock 14 is what they call Blackstone Group bedrock. It's 15 granite bedrock that's been in place for probably 16 as old as a billion years. Somewhere around 500 or 17 600 million years ago, the Esmond Igneous formation 18 pushed into it. It's a volcanic formation, and 19 that contact phase actually courses diagonally 20 through the site. The reason that's significant is 21 because when you have contact between two different 22 geologic formations and establish one and then a 23 new one that pushes through it, that causes a lot 24 of fracturing, a lot of fracturing, a lot of 25 foliation. And it's in those fractures and those</p>	<p style="text-align: right;">Page 57</p> <p>1 200,000 years, and when the last glacier retreated 2 due to melting, what happened is this massive 3 pressure was removed from the bedrock, and you 4 actually had some bedrock expansion. That caused a 5 lot of horizontal or sub-horizontal fractures to 6 form as layers of bedrock separated slightly, and 7 that gives you a lot of horizontal flow. That's 8 typically in the upper layer. I'm mentioning it 9 now because in a few minutes I'm going to explain 10 to you the good and bad about that. It potentially 11 affects some things. We evaluated groundwater 12 storage in the bedrock, and based upon a minimum -- 13 well, in New England the grade of bedrock typically 14 has between .1 percent and .5 porosity, meaning 15 voids. Bedrock is not a hundred percent solid, 16 there's always some voids in there. It's not 17 uniform by any stretch of the imagination. At the 18 minimum of .1 percent porosity, we estimated 19 there's something on the order of 1.7 million 20 gallons of water in the bedrock just underlying 21 this 11-plus acre site. That doesn't include 22 anything that's outside the boundaries of the site. 23 Now, you don't necessarily access all that stored 24 water, because your wells have to intersect 25 fractures.</p>

<p style="text-align: right;">Page 58</p> <p>1 We then looked at recharge, because, obviously, 2 if you don't have recharge you're going to run out 3 of water sooner or later. Water is not -- because 4 of recharge, if you extract water from the ground, 5 you have to assess will it be appropriately 6 recharged. If your extractions exceed your 7 recharge, you're going to have a problem.</p> <p>8 We looked -- we do this routinely -- we looked 9 at a number of studies. Fortunately for us in this 10 situation, there was a study done. Actually, 11 several studies done of the Blackstone River Basin. 12 One in particular involved the Chepachet River 13 using a gaging station about a mile and a half 14 downstream. It's called the Gazaville Station.</p> <p>15 Also, we looked at data for the Branch River. 16 There's been a number of studies done. We assess 17 the recharge. It's called a basin percentage 18 methodology. It's in the report. Long story 19 short, we did a very conservative estimate that the 20 natural recharge to the site was approximately 21 11,800 gallons a day. And that's very 22 conservative, because that's based purely on 23 precipitation on the site, and gives no credit for 24 any water coursing through the site, you know, from 25 other areas as the water drains towards the</p>	<p style="text-align: right;">Page 60</p> <p>1 85 percent of the extracted water to the ground. 2 And that's true for all septic systems from all, 3 say, residential or rural commercial applications.</p> <p>4 So what happens there is our net daily 5 extraction is about 780 gallons per day on an 6 average day. On a maximum day it's about a little 7 under 1200 gallons per day. For every hundred 8 gallons that come out, 85 go back in and 15 are 9 simply lost due to consumption, you know, 10 evapotranspiration, et cetera. As a result of 11 that, using the values that we have defined for the 12 project, our net extraction is about 6.6 percent of 13 the estimated daily natural recharge of the site. 14 Again, conservative evaluation based strictly on 15 recharge that would occur within the boundary 16 limits of the site with no credit for anything 17 happening coming onsite from offsite areas. And 18 it's done purposely to make it as conservative as 19 possible. So in that situation, with a, we believe 20 a sub-extraction on the order of 6.6 percent of 21 recharge, that's a fairly low extraction rate. And 22 that would indicate that, A, the wells onsite 23 should be able to easily support the proposed 24 development, and, B, it would be expected that, 25 barring some unforeseen or unanticipated</p>
<p style="text-align: right;">Page 59</p> <p>1 Chepachet River, which is the dominant drainage 2 pattern in this area.</p> <p>3 The groundwater recharge was actually assessed 4 at a similar level. One of the reasons we can do 5 that is because we have such thick layers of very 6 transmissive soils above the bedrock. Bedrock is 7 recharged from above. So precipitation that enters 8 the ground, you know, through permeable soils, 9 ultimately courses through, and then gets into the 10 bedrock. Usually the bedrock surface at the 11 interface with the soils is very weathered. You'll 12 have some vertical fracturing, you may have some 13 horizontal fracturing in close proximity to the 14 water flows from the soils into the bedrock. 15 Ultimately, that's what recharges bedrock wells.</p> <p>16 So in any event, we have about a minimum, we 17 believe a minimum of recharge of something on the 18 order of 11/12,000 gallons a day. Now we have to 19 go back and look at what is the actual demand and 20 how does that translate to extractions. As I said 21 earlier, we have an average daily extraction using 22 the standard State values of 5,213 gallons per day; 23 however, this project site, as most rural 24 development uses onsite wastewater treatment 25 disposal systems, and those systems return about</p>	<p style="text-align: right;">Page 61</p> <p>1 circumstances, or unusual circumstances, there 2 would be no adverse impact to neighboring wells.</p> <p>3 Now, we have to go through a further evaluation 4 of that, and we did do that, as a matter of fact, 5 and what we did is we had available to us 6 because -- by the way, starting about, I don't 7 know, six or seven years ago, once upon a time when 8 drillers drilled wells they would submit the drill 9 report to DEM. If I recall correctly, about six or 10 seven years ago DEM basically transferred that 11 responsibility to the Department of Health. So the 12 Department of Health actually has maintained an 13 excellent database, and about four years ago, they 14 upgraded the well completion report so they're much 15 more substantial in the information on them. And 16 so the good news here was that I was able to 17 acquire the well records for nine wells of the 18 neighboring Bella Vista community. We have the 19 well report for the one exploratory well that was 20 installed on this site. I'll get to that 21 momentarily.</p> <p>22 Also did get some older well reports from 23 residences on Cross Road and I think a few on 24 Victory Highway. Unfortunately, they're fairly 25 dated and the information was extremely limited so</p>

<p style="text-align: right;">Page 62</p> <p>1 the information is difficult to extract information 2 other than perhaps the depth of the well. But to 3 point this out, the well that's onsite, and that 4 well was drilled up in this area here, the northern 5 portion of the site, that was drilled by A. J. Well 6 Drilling. It was drilled to a depth of 400 feet. 7 They got some water at about 130 or 160 feet, but 8 most of the water was in some substantial fractures 9 that were intersected at about a 220- or 240-foot 10 depth. A five-hour pumping test was done pumping 11 at about 60 gallons a minute that was sustained, 12 and then the well recovered very quickly. Well 13 recovery is important. If you pump a well for five 14 hours and it doesn't recover for more than five 15 hours, that's not good. If you pump it for five 16 hours and a well recovers, say, in an hour, that's 17 very good.</p> <p>18 Looking at the wells at Bella Vista, and, 19 again, I have them by well number, I can't directly 20 relate the number of the well to the -- necessary 21 to the house, but that can be done ultimately. 22 These nine wells, one well is 80-foot deep, four of 23 them are about 420-foot deep, one is 600, one is 24 670, two are 700. These wells demonstrate -- all 25 of these wells demonstrated anywhere from 56 to</p>	<p style="text-align: right;">Page 64</p> <p>1 five-hour pumping test that were done. These wells 2 all recovered in between 20 and 60 minutes. So 3 that is indicating that not only can you extract 4 water at a, certainly more than adequate, or a 5 substantial flow rate, the fact that they have such 6 fast recovery when they're drawn down indicates 7 that you're in a bedrock aquifer that's got a lot 8 of capacity and a lot of yield.</p> <p>9 So that is consistent with expectations 10 considering the geology of this region and the fact 11 that we have a contact face either directly 12 underlying or in close proximity, because the 13 increase in fracturing is not just right on the 14 contact face, it moves laterally. Again, these 15 tectonic events didn't happen in a couple of days, 16 they happened over thousands of years.</p> <p>17 So the well information is very indicative of 18 that we should have more than adequate, A, more 19 than adequate water yields both offsite as well as 20 onsite as a general statement. And also would 21 indicate that because of the apparent capacity 22 demonstrated by both the offsite well as well as 23 our exploratory well onsite, that we have 24 substantial capacity and should not have an adverse 25 impact on offsite wells.</p>
<p style="text-align: right;">Page 63</p> <p>1 90 feet of overlying sand and gravel, which is 2 consistent with expectations. These wells have 3 yields ranging from four gallons a minute to -- 4 actually, one at 30 gallons a minute -- excuse me. 5 Most of these wells were demonstrating that their 6 yields were at a 300- to 400-foot depth. One was 7 at 600 and 670. The only well that I'm really 8 concerned about is the well that's only 80-foot 9 deep, and the reason is because that well actually 10 had a very good yield, 15 gallons per minute. It's 11 not my responsibility right now, but I would just 12 suggest, if any well was going to be a worry in 13 that community is that 80-foot deep well because 14 that well probably intercepted some of those 15 unloading fractures from the glacial retreat and 16 they're very shallow, and it's the shallow 17 fractures that are first to need water if you have 18 a drought.</p> <p>19 But having said that, all the other neighboring 20 wells in the Bella Vista community that I have the 21 information for, they're very deep wells. They all 22 had certainly more than adequate yields to support 23 residences. And I would also like to point out 24 that their recovery time with the exception of one 25 well, which took two hours, and these were a</p>	<p style="text-align: right;">Page 65</p> <p>1 I would like to point out, every well that's 2 installed, the drillers, as a standard operating 3 practice, and they're required to do this by 4 Department of Health, any well that's drilled as a 5 private well has to have typically a five-hour 6 pumping test so you get a good indication of what 7 the yield is, what the drawdown is, and what the 8 recovery is. Just to point that out. This isn't 9 done blindly. And like I said, the recordkeeping 10 and reporting is substantially better than it used 11 to be.</p> <p>12 So having said all of that, a couple other 13 points to make clear, we did take water samples 14 from that exploratory well that was drilled. This 15 area, by the way, the classification is GAA. 16 That's the highest classification established by RI 17 DEM. It's considered to be high-quality water for 18 public consumption. The water quality here was 19 very, very good overall. It was slightly alkaline. 20 The pH was above seven. The total dissolved 21 solids, our sample was 143, that's mildly low, 22 quite frankly. Alkalinity was fairly elevated at 23 82. Moderate hardness of about 49 PPM, calcium 24 carbonate was about three grams, if you're familiar 25 with hardness calculations. A little bit of iron</p>

<p style="text-align: right;">Page 66</p> <p>1 and manganese that might require folks to put in 2 filters, but that's not an unusual issue, 3 particularly in northern Rhode Island. No nitrate 4 at all, and the corrosion potential was low to the 5 point of being insignificant.</p> <p>6 So again, these are private wells. A lot of 7 these parameters are, you know, people don't worry 8 about corrosion on private wells, so it's nice to 9 know the water is really not corrosive at all.</p> <p>10 Also, we evaluated to contaminant threats. 11 There's no significant contaminant threats in the 12 area. Obviously, we have to have separation from 13 onsite septic systems, onsite storm water drainage 14 and recharge.</p> <p>15 Nick has performed the civil engineering for 16 the site. We have the appropriate separations. 17 The requirement for private wells is a hundred foot 18 separation from septic or any other significant 19 contaminant threat. The way the design is 20 presented right now, that has been met.</p> <p>21 So that concludes my basic presentation. It's 22 as presented in the report. And I'll certainly do 23 my best to answer any questions that you may have.</p> <p>24 THE CHAIRWOMAN: Questions from the Board? 25 MS. FURNEY: The 7,820 gallons per day, that's</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. FERRARI: I apologize for the faulty stand. 2 Because we want the well to be able to support 3 these peak demands. We're not going to have, you 4 know, some elevated storage tank, you know, a 5 hundred thousand gallons of water. So what we did, 6 we think, and it's on Page 7 of the report, we 7 evaluated, for each individual well, those various 8 peaking demands requirement. And what we 9 determined was that our peak instantaneous demands, 10 depending on demand conditions for each well, 11 ranged from two-and-a-half gallons per minute to 12 five gallons per minute. So what we said in the 13 report was, as a minimum requirement, and then what 14 we did is, we said, that's based upon maximum 15 50 percent utilization of the well. And what that 16 means is, you don't want your well pumping 24 hours 17 a day. So what we simply said was, we want the 18 well to be able to sustain, to operate a maximum of 19 12 hours per day. Just so you know, the standard 20 typically used by Department of Health for public 21 wells is maximum 5 percent utilization. I 22 personally don't like that. I think you're 23 overstressing the well.</p> <p>24 Now, the good news here is that our exploratory 25 well, as well as offsite wells, have showed</p>
<p style="text-align: right;">Page 67</p> <p>1 for the entire development? 2 MR. FERRARI: That's the entire development, 3 that's correct.</p> <p>4 MS. FURNEY: And is that basically just based 5 on the one well that they've already drilled? 6 MR. FERRARI: No. That's how much water on a 7 maximum demand day that the entire development 8 would need. Now, in the report -- just give me a 9 moment here. I don't claim to have a hundred 10 percent recall of everything in the report.</p> <p>11 We did an evaluation. There would be six 12 wells, two wells would serve five units, and four 13 wells would serve six units. So the two wells 14 serving five units, they would have an average 15 daily demand of about 767 gallons per day, and a 16 maximum day demand of about 1150 per day. The 17 wells serving the six units, they would have an 18 average daily demand of the 920 gallons apiece, and 19 1380 gallons on a maximum day.</p> <p>20 Now, what we did, and, again, this is presented 21 on Page 7 in our evaluation, is we don't just look 22 at how many gallons per day. We have to look at 23 what is our peak four-hour demand, what is our peak 24 one-hour demand.</p> <p>25 (BRIEF INTERRUPTION)</p>	<p style="text-align: right;">Page 69</p> <p>1 excellent recovery rates, which is, again, another 2 sign that, you know, when you do pump and you're 3 putting stress on the aquifer, your recharge 4 indicates pretty rapid recovery. So excellent 5 yield. But, again, so what we said here was, the 6 minimum we want these wells to be able to do was 7 three to five gallons a minute. And I think right 8 now my expectation would be that we would get 9 higher capacities in that.</p> <p>10 Now, also, one thing, the exploratory well is 11 drilled at 400 feet. Obviously, we can drill 12 deeper. The neighboring Bella Vista community, as 13 noted earlier, their wells, with that one 14 exception, were 400- to 700-foot deep. And a lot 15 of fracturing was at depth, which is not unusual, 16 by the way. There's an old wife's tale out 17 there -- not trying to be sexist -- old wife's tale 18 says there's no water below 300 feet in bedrock. 19 That's not true. In fact, oftentimes you find a 20 lot more water at depth than you do in the shallow 21 fractures, and the shallow fractures are very 22 susceptible to de-watering and drought conditions 23 because they don't get recharged from above.</p> <p>24 So having said that, our expectation would be 25 that there would be six wells on the site. And</p>

<p style="text-align: right;">Page 70</p> <p>1 these wells, you know, you certainly want a minimum 2 of three to five gallons per minute, but preferable 3 more than that. Also, the pressure bladder tanks, 4 the small ones that people typically have in their 5 house from their well, we have that to handle 6 instantaneous momentary peaks. You know, somebody 7 flushing the toilet or running the dishwasher, or 8 something like that, that's routine. That's a 9 plumbing design there.</p> <p>10 THE CHAIRWOMAN: So the expansion tank, does 11 each condo typically have their own, or is that 12 well feeding and then it feeds --</p> <p>13 MR. FERRARI: I'm not the plumbing engineer for 14 the project. There's different ways to do it. You 15 could have -- you want to have, certainly, each 16 well should have a pressure bladder tank and a 17 pressure switch control line. The issue there 18 would be, you can do that, again, I don't want to 19 get -- I don't want to get too far out here, 20 because, to my knowledge, a detailed plumbing 21 design hasn't been done. But pressure bladder 22 tanks would definitely be included in the design. 23 You want that for control of your well function. 24 So the issue is going to be is there one in every 25 unit or is there some other design. I can't answer</p>	<p style="text-align: right;">Page 72</p> <p>1 here. What I would say is it appears that there's 2 substantial capacity, however, we're focusing on 3 the drinking water supply to the community, that 4 was what our charge was, and to assess what the 5 water resource capability was there.</p> <p>6 MS. FURNEY: Now, with the proposed well 7 locations that are noted on the plans, as they are 8 drilled, is it common to hit, like, a dry spot and 9 not get water at all?</p> <p>10 MR. FERRARI: It's theoretically possible if 11 you drill on a given location you might be into a 12 real tightly-fused section of bedrock and get 13 little or nothing. It's certainly theoretically 14 possible. Based upon what I have seen of the well, 15 the one well on the exploratory well on the project 16 site and the immediately neighboring Bella Vista 17 wells, I think that's pretty widespread fracturing 18 which is consistent with expectations based upon 19 the fact that we have a contact face going right 20 through this area, geologic formations.</p> <p>21 So is it possible? Anything is possible. Is 22 it probable? I doubt it. I feel fairly confident 23 that we're going to get -- any wells that are 24 drilled are going to hit a reasonable amount of 25 fracturing. Now, again, might have to go deeper.</p>
<p style="text-align: right;">Page 71</p> <p>1 that question right now. I'm not a plumbing 2 engineer on the project. They haven't gotten that 3 far, as far as I know.</p> <p>4 THE CHAIRWOMAN: Sure. 5 Your calculations of daily usage, does that 6 include any irrigation?</p> <p>7 MR. FERRARI: That doesn't normally include 8 irrigation, however, what I would say to you is, 9 recognizing that this is an age-55 community, that 10 we're using the values for, say, just a regular, 11 you know, no age restriction on the community where 12 water demands are a lot greater. Typically age-55 13 communities, their water demands are say half or 14 maybe at most two-thirds of what you would have, 15 say, in a typical residential, you know, mixed 16 residential community. So there's actually some 17 allowance in here for, say, light irrigation, you 18 know, someone's got a little tomato garden out back 19 or a few tomato plants, or a flower garden, it can 20 handle maybe a little bit of sprinkling with a 21 water can for that, but we don't have any -- this 22 does not include any large-scale irrigation right 23 now. That would have to be considered separately.</p> <p>24 THE CHAIRWOMAN: Like lawn watering. 25 MR. FERRARI: That's not normally considered</p>	<p style="text-align: right;">Page 73</p> <p>1 The exploratory was 400 feet. Perhaps you might 2 have to go deeper to get the water you need, which 3 is likely what happened in Bella Vista. The 4 driller there was also A and J, very good driller. 5 They know what they're doing. John and Scott, 6 top-shelf drillers. They drill until they find 7 water. I saw they had to drill 700 feet in one 8 case. You do what you've got to do.</p> <p>9 MS. FURNEY: Now, of course, Bella Vista is 10 38 acres with wells throughout. So these are all 11 located within 11 acres.</p> <p>12 MR. FERRARI: Right.</p> <p>13 MS. FURNEY: And they're all in basically 14 within a hundred or 200-foot width.</p> <p>15 MR. FERRARI: Correct.</p> <p>16 MS. FURNEY: Is it more or a higher possibility 17 that having wells that close, that when they are 18 drilled, it would all hit the same, like, an 19 underground reservoir. And if everybody is 20 watering their lawns or washing their cars, or 21 doing their laundry or whatever at the same time, 22 is it a possibility that they will run out?</p> <p>23 MR. FERRARI: Well, let me address it this way: 24 As I said, our evaluation is not, at this point, to 25 support large scale irrigation. But having said</p>

<p style="text-align: right;">Page 74</p> <p>1 that, keep in mind, this site is much closer to 2 this contact face here. I believe we have a lot 3 of, a lot of fracturing under this site. So on the 4 one hand we're going to have wells in comparatively 5 close physical proximity. We are also in an area 6 where I think we're going to have very high yields. 7 For example, the exploratory well was getting -- 8 pumping at 60 gallons a minute. Well, obviously, 9 that's far more water than may be needed, you know, 10 say for supporting five or six housing units. So 11 you can actually have multiple wells, and I'll go 12 on the assumption that there's going to be some 13 interconnectivity to the fractures. It wouldn't be 14 a surprise, and you're right, it's an 11-acre site. 15 It's smaller than the Bella Vista site. The Bella 16 Vista is at somewhat further extent from the 17 contact face, but there's still a lot of fractures 18 there.</p> <p>19 So this is where you have to look at how -- 20 what is your recovery. When you're pumping the 21 well down, how fast does it recover. Because 22 that's really the indicator. The combination of 23 what are you getting for a yield, you know, gallons 24 per minute sustained. What's your draw-down, then 25 how does it recover. You have to look at all those</p>	<p style="text-align: right;">Page 76</p> <p>1 construction because, you know, you don't want to 2 build all the houses and do the landscaping and 3 then you bring in a drill which tears everything 4 up. So the drilling is typically done fairly early 5 in the construction phase for these houses. So 6 you're going to know fairly early on, you know, 7 probably -- potentially, before you even have the 8 foundation in, you're going to know if you have a 9 viable well or not. That's pretty typical.</p> <p>10 MS. FURNEY: So there are six proposed wells. 11 Was there any -- do you know if there was any 12 thought -- maybe I should be asking the 13 developer -- as to doing a larger well similar to 14 what -- I know there's a mobile home park in 15 Gloucester that they have a well to service the 16 entire complex. And anything like that that was --</p> <p>17 MR. FERRARI: All right. What would happen is, 18 if you want to, say, have one or two wells, that 19 would then become a public water system, because 20 you meet the threshold criteria. That would have 21 to be -- that has a whole different set of criteria 22 that would require setting aside some additional 23 land. It would have an impact on the scope of the 24 development. It doesn't necessarily have -- it 25 wouldn't have any impact, say, on the water</p>
<p style="text-align: right;">Page 75</p> <p>1 factors to assess, you know, are we going to have a 2 problem if the wells are interconnected or not. 3 And again, this is one of the things that drillers 4 do. You know, when they're drilling a well on the 5 site, they're going to pay attention to the other 6 wells on the site. You know, geez, are the other 7 wells drawing down or not. We're pumping this 8 well, and there's a well, you know, 400 feet away. 9 Is that well also drawing down. These are things 10 you've got to look at. And the good well 11 drillers -- A & J is a very good well driller. We 12 rely on them and they're very good at what they do, 13 and they do a certain evaluation while they're 14 doing the drilling and their pumping tests.</p> <p>15 MS. FURNEY: So would it be in your opinion, 16 then, that the wells on the entire site should be 17 drilled first?</p> <p>18 MR. FERRARI: Typically, the wells are not 19 necessarily drilled first, but, obviously, first of 20 all, you have to have your well drilled long before 21 occupancy, because you've got to make sure you have 22 a well and you have the yield, and you have the 23 water quality. You have to do that before the 24 residence is done. In fact, typically you're going 25 to be doing that in your early stages of</p>	<p style="text-align: right;">Page 77</p> <p>1 quality, necessarily. It wouldn't have any impact 2 on the amount of water extracted. I would suggest 3 here that you might actually be better off with six 4 wells as opposed to, say, one well, because with 5 six wells you're diffusing the extractions across 6 the entire project site. If you have one well, 7 your entire extraction is coming from one location, 8 and that actually has the potential to have an 9 impact, say, on a neighboring well, because all 10 your extractions coming from one location as 11 opposed to diffusing it over the site. So there's 12 pros and cons of this.</p> <p>13 But, again, if we had a site where we didn't 14 think we had much opportunity for water, we might 15 say, okay, let's try to develop a single well, or 16 something like that. But I think we have a really 17 good opportunity on this site across the extent of 18 the site.</p> <p>19 THE CHAIRWOMAN: I will add something to that, 20 Lynn. When you have a public well, it's much more 21 highly regulated and also requires a licensed 22 operator, which is more to maintain, tougher for 23 like a homeowners' association to be able to do 24 that because you have to have a license to operate. 25 So I'm sure that's part of the reason for going</p>

<p>1 with private wells.</p> <p>2 MS. FURNEY: Thank you.</p> <p>3 MR. FERRARI: You're welcome. Any other</p> <p>4 questions?</p> <p>5 Thank you very much.</p> <p>6 MR. MANCINI: Madam chair, that concludes our</p> <p>7 two experts. We will be available after public</p> <p>8 hearing to have any additional comments. Just a</p> <p>9 couple of points of closure, noted that, again,</p> <p>10 we're under the guidelines of 45-23-60, and both</p> <p>11 Bob and Nick had mentioned Bella Vista. It's</p> <p>12 important to note that this is a segregated</p> <p>13 development. It's not going to be part of the</p> <p>14 Bella Vista, it will be its own association, not a</p> <p>15 sub-association of Bella Vista or have any access</p> <p>16 to Bella Vista. It's a different entity than Bella</p> <p>17 Vista is. Different, well, same owner but</p> <p>18 different developer. And it will have its own</p> <p>19 condominium association documents. And we can</p> <p>20 provide those documents as part of the Final Plan.</p> <p>21 We can also make the corrections and changes and</p> <p>22 comments that you referred to with Nick at Final</p> <p>23 Plan. There are no easements proposed either, so</p> <p>24 that's important to note. There's no cross</p> <p>25 easements between any other property owners,</p>	<p>Page 78</p> <p>1 deed in Rhode Island for new construction, you have</p> <p>2 a one-year warranty on that new construction. If</p> <p>3 there's any defects or installation issues, you</p> <p>4 have remedies available to you, both against the</p> <p>5 owner and the owner subcontractors. The owner</p> <p>6 subcontractors will be the developer.</p> <p>7 So the way this project would work, as most</p> <p>8 other projects that come before you, is you have an</p> <p>9 owner, that owner hires the contractor. The</p> <p>10 contractor is going to be responsible for obtaining</p> <p>11 the building permits, posting any particular bonds</p> <p>12 with the Town. The Town is then responsible for</p> <p>13 doing your plumbing inspection, your HVAC</p> <p>14 inspection, your foundation inspection, your truss</p> <p>15 inspection. Those are part of the construction</p> <p>16 aspect of what is being done.</p> <p>17 What this Board does is it reviews the land use</p> <p>18 aspect of it, the dirt, if you will, and the use of</p> <p>19 that dirt to ensure that the use of that dirt</p> <p>20 conforms with your Subdivision Regulations and</p> <p>21 conforms with State agency regulations. Then on</p> <p>22 top of that are the construction aspects of it.</p> <p>23 So what you have in front -- what you have</p> <p>24 before you is the property owner and the developer.</p> <p>25 And the property owner and developer are</p>
<p>1 specifically, Bella Vista.</p> <p>2 So this development really stands on its own,</p> <p>3 operates on its own. The only legal documents</p> <p>4 applicable to it will be the homeowners'</p> <p>5 association part of the condominium association</p> <p>6 which can be provided again at the Final Plan.</p> <p>7 So with that, if you have any further</p> <p>8 questions, we're available to answer, but that</p> <p>9 completes what we're presenting to you for both</p> <p>10 Preliminary and Master Plan approval at this point.</p> <p>11 THE CHAIRWOMAN: Mr. Mancini, same owner but</p> <p>12 different developer? Can you explain that?</p> <p>13 MR. MANCINI: So this is owned by Bella Sand,</p> <p>14 and the owner is Overlook Ridge, LLC. The</p> <p>15 developer is Overlook Ridge, LLC. So the deeds</p> <p>16 will be coming from Overlook Ridge, LLC. The</p> <p>17 warranties will be coming from Overlook Ridge, LLC.</p> <p>18 The contractor will be the same contractor, that's</p> <p>19 DeGregorio Corporation. They will be doing the</p> <p>20 site work and the infrastructure.</p> <p>21 So I've looked at a lot of the material that</p> <p>22 was sent to you, and it looks like a lot of that</p> <p>23 has to do with construction issues and development</p> <p>24 issues. Those are items that will be addressed by</p> <p>25 different remedies. And when you obtain a warranty</p>	<p>Page 79</p> <p>1 responsible for the development, which is the land</p> <p>2 use of the realty. The contractor will be</p> <p>3 responsible for what happens on top of that realty,</p> <p>4 right? The foundation up.</p> <p>5 So what we're at here is looking at the dirt</p> <p>6 and the use of that dirt and the compliance of the</p> <p>7 use of that dirt with the regulations that are</p> <p>8 applicable to us.</p> <p>9 THE CHAIRWOMAN: But if it's the same</p> <p>10 developer, what we can do, though, is if we're</p> <p>11 aware of some concerns at the Bella Vista facility</p> <p>12 development, we can certainly consider putting</p> <p>13 additional checks as the development is occurring</p> <p>14 to make sure it's -- to protect against any similar</p> <p>15 concerns, whatever they turn out to be, for</p> <p>16 drainage or storm water management or whatever the</p> <p>17 issues are, to make sure that that doesn't happen</p> <p>18 in this development.</p> <p>19 MR. MANCINI: So, yes and no. So you don't</p> <p>20 have the same developer, but you can put reasonable</p> <p>21 conditions in if you are aware of issues that</p> <p>22 are -- so in other words, if I build -- if I have</p> <p>23 two lots next to one another and one house gets</p> <p>24 built and there are problems with that house, you</p> <p>25 can't take the issues with that house and make them</p>

<p style="text-align: right;">Page 82</p> <p>1 obligations or responsibilities for the next lot, 2 because that would be creating a cross leverage 3 that wouldn't be legal. But if you're aware of the 4 fact that there are common issues between the two, 5 whether it be elevations or drainage, and you want 6 to make certain restrictions on the second lot with 7 regards to drainage or elevations or things that 8 are respective to the development of that lot, yes, 9 it's certainly within your purview to do. But to 10 say to the developer of the second house that you 11 can't build that house until you fix whatever 12 issues are construction-wise on your neighbor is 13 not something that would be within your purview to 14 do.</p> <p>15 THE CHAIRWOMAN: I see.</p> <p>16 Any other questions from the Board at this 17 time?</p> <p>18 Questions from the public?</p> <p>19 Yes, sir. Step up, please. Your name and 20 address.</p> <p>21 MR. DECESARE: Kevin DeCesare, 58 Bella Vista. 22 Just a question on the wells. When those six 23 wells are drilled in the new area, there's no way 24 of really telling their recovery rate, they're 25 going to be approved, but there's no way of telling</p>	<p style="text-align: right;">Page 84</p> <p>1 feet apart, there's probably very limited 2 potential -- there might be hydraulic connectivity 3 but there's limited impact potential in this case. 4 The reason is because the test reports for both one 5 exploratory well on the Overlook Ridge site and the 6 test report for the nine wells I have on the Bella 7 Vista site all show very good, very rapid recovery, 8 after significant draw-down in tests and then rapid 9 recovery. So even if there is an overlapping 10 influence, this appears to be more than sufficient 11 capacity to support, you know, multiple wells. I 12 would expect that you could have a lot of straws in 13 the same glass of water to some degree, but if that 14 glass has a lot of recharge capacity, then you're 15 not going to have a severe adverse impact. But 16 there actually are ways you can tell without going 17 to extreme measures if there is connectivity at 18 all.</p> <p>19 MR. DECESARE: Are there only nine wells in 20 Bella Vista?</p> <p>21 MR. FERRARI: No, I'm sure there's more than 22 that, there probably are, but I have reports for 5 23 through 13. I don't have reports for 1 through 4. 24 And if someone would like to provide those to me, 25 I'll take a look at them.</p>
<p style="text-align: right;">Page 83</p> <p>1 the affect on Bella Vista's wells until they're all 2 up and operating. Am I correct in saying that?</p> <p>3 THE CHAIRWOMAN: Mr. Ferrari, could you speak 4 to that?</p> <p>5 MR. FERRARI: The good news here is that if you 6 do have hydraulic connectivity between wells, if a 7 well on the project site, or wells, could 8 potentially have an impact on neighboring wells, 9 say, Bella Vista, or someplace else, hydraulic 10 connectivity tends to work both ways. It's a 11 two-way street. So what you can do is when you 12 drill a well on the Overlook Ridge site, you can 13 actually watch that -- the water level in that 14 well. And if you see that well level fluctuating, 15 something more than what would happen from 16 naturally-occurring precipitation or drought 17 conditions, that if you see more rapid fluctuation, 18 that would indicate potential connectivity to a 19 neighboring well.</p> <p>20 My belief is, based upon what I know of the 21 wells in the area and the site, and a lot of years 22 of experience with hundreds upon thousands of 23 wells, that proximity is a key factor. And while 24 the wells aren't miles apart, they are -- if you 25 have wells that are, say, 400, 500, 600, a thousand</p>	<p style="text-align: right;">Page 85</p> <p>1 MR. DECESARE: I'm just concerned we will have 2 a problem in the future with ours.</p> <p>3 MR. FERRARI: I share your concern.</p> <p>4 THE CHAIRWOMAN: Thank you.</p> <p>5 MR. PLANTE: Is this just for questions for 6 them or can I make a short presentation?</p> <p>7 THE CHAIRWOMAN: Sure.</p> <p>8 MR. PLANTE: I'm Ken Plante. I live at 9 17 Bella Vista Circle.</p> <p>10 I'm also the vice president of the association 11 board. And as far as the association is concerned, 12 our goal really is two-fold tonight. The main goal 13 is to make the Town aware of our concerns regarding 14 water, land grading, water overflow, and various 15 other environmental issues having to do with water, 16 both to take care of our residents as well as to 17 hopefully eliminate that concern for the Overlook 18 Ridge people.</p> <p>19 And secondly is, it wouldn't be doing our job 20 if we didn't ask for help and trying to get -- to 21 hold the developer responsible for fixing our 22 issues prior to moving on to Overlook Ridge.</p> <p>23 As stated in the 2014 drainage report on 24 Page 4, and I quote, Due to the existing 25 characteristics of the site, almost no runoff will</p>

<p style="text-align: right;">Page 86</p> <p>1 leave the site under existing and proposed 2 conditions and will recharge nearly 100 percent of 3 the site's drainage. 4 A number of events that we've seen, 5 unfortunately, show that this is not indeed the 6 case. We had some pictures taken that I think 7 everyone has looked at. In essence, what happened, 8 among the many things that did happen, water 9 overflowed from the retention ponds. The retention 10 pond at the entrance of the property overflowed and 11 rose up to the fitness center level. Missed going 12 inside by about three inches, so that was good. 13 But it ran past that, as well as going into the 14 drain. When it ran past it, it went into a second 15 drain as well as over the top of the walkway. It 16 went into a small -- again, I don't know the 17 terms -- but a retention, small retention pond, 18 which didn't hold it, you know, that's not really 19 its purpose. And all that water drained onto 20 Route 98. And we had a lot of water issues that 21 contributed to this. 22 Downspouts next to all the front doors on the 23 site were improperly installed per, again, the 24 drainage report on Page 4. They were supposed to 25 go into the ground and go into a box, which I don't</p>	<p style="text-align: right;">Page 88</p> <p>1 when we tried to get help from the dryer vents that 2 don't meet Rhode Island mechanical code in 3 53 units. We didn't get responses regarding lolly 4 columns that are not secured at the beam or at the 5 cement in the ground. And we didn't get responses 6 on warranty issues that we still have 44 units that 7 are under warranty. And we weren't able to get 8 those resolved, because we couldn't get 9 communications. We sent e-mails, sent a registered 10 letter. However, shortly after the 11 recently-postponed Planning Board meeting, 12 surprisingly and finally, the civil engineer and 13 one of the project managers reached out to us. And 14 we were able to have a Zoom meeting a week ago, 15 last Monday. They have promised to address these 16 issues. But at this time, they are not able to 17 provide us with time frames. So clearly, this was 18 very encouraging. However, we remain skeptical 19 based upon the history. So, again, cautiously 20 optimistic. 21 But two key points I'll leave you with is, we 22 want to see results. Hopefully, the encouraging 23 first meeting leads to getting results. And the 24 other one, which is obviously more difficult, is we 25 are hoping, pleading, that we can get our issues</p>
<p style="text-align: right;">Page 87</p> <p>1 know the technical term for. That was only done on 2 a small number of units. The rest all just used 3 plastic, rerouting into the walkway. So in the 4 winter, that's obviously bad. We've already had 5 one slip and fall that our insurance is handling, 6 which is terrible for the resident as well as the 7 association. 8 And that also contributed to the groundwater 9 that led to the environmental issues. The land 10 grading is arguably the biggest culprit. There's a 11 number of places where the grading goes towards 12 houses instead of away from houses. And the result 13 of that was we had either nine or ten homes that 14 had water enter their basements. Again, you can 15 see some examples of that in the pictures. 16 Improper foundation heights above the ground. 17 We have some houses that literally sit on the 18 ground, and others that are far less than four, six 19 or eight inches that are required, depending on 20 things I don't know. Again, these are all 21 contributing to factors to the water issue that 22 result. 23 As an association, we're very frustrated 24 because we are unable to receive communication back 25 from DeGregorio. We didn't receive communication</p>	<p style="text-align: right;">Page 89</p> <p>1 resolved prior to them moving on to Overlook Ridge. 2 Our goal is not to stop Overlook Ridge, our 3 goal is just to get our issues taken care of prior 4 to moving on to their next development. 5 Any questions? 6 THE CHAIRWOMAN: It's not within our purview at 7 this hearing and with this application before us to 8 be able to help you, though we can direct you to 9 continue to work -- I understand you're working 10 closely with our zoning official, Ken Johnson, who 11 is here tonight, as well as Karen Scott, our 12 planner, to help you through the process of working 13 with Mr. DeGregorio and the DeGregorio company, and 14 we appreciate the information. 15 We sympathize with your situation, and I feel 16 what perhaps is within our purview is to take that 17 information and ensure that a future development at 18 Overlook, that perhaps we put more checks in as the 19 development is happening, and ensure that some of 20 the things like dryer vents and the inspections 21 happen more steadily throughout the process. 22 If either of you would like to speak to that, 23 to their concerns, or -- 24 MR. JOHNSON: Other than -- code issues that 25 the gentleman talked about, we had discussions with</p>

<p style="text-align: right;">Page 90</p> <p>1 DeGregorio. We had known about the dryer vents 2 after. A lot of the dryer vents, my mechanical 3 inspector went -- a lot of the dryer vents were put 4 in after the appliances were already installed, so 5 they were in the process of moving in. Appliances 6 went in, but we had already done the finals there. 7 I had explained to the superintendent over there 8 that they weren't allowed to use soft flexible duct 9 on the dryer vents. When we finally found out 10 about it, we told them and I think the last few 11 units -- I think it was the first 43, correct? 12 MR. PLANTE: No. There's only one unit that 13 ended up being done, again, correct me, and that 14 was the opportunity that was smarter than all the 15 other units, because they actually had their house 16 inspected. Unfortunately, a lot of us assumed that 17 a new structure -- 18 MR. JOHNSON: I think halfway through that 19 project, we had explained to them that they 20 couldn't use the flex vent anymore. And as far as 21 foundations go, the foundations -- the code for the 22 foundation to be out of the ground is four inches, 23 but they have to grade them properly. In other 24 words, from ten feet out, there should be at least 25 a six-inch pitch going away from the foundation.</p>	<p style="text-align: right;">Page 92</p> <p>1 inspection, rough inspection, electrical, plumbing, 2 mechanical. Those are all done rough, then there's 3 a final, finish, insulation. There's quite a few 4 inspections that we do. But if something is missed 5 such as a dryer vent, you know, I'll take it, it's 6 on me, it's my office. My guy, he missed it. It 7 was brought to the contractor's attention, but they 8 continued to do what they were doing. A lot of 9 times we couldn't see them because they would put 10 them up inside the insulation, so we never saw the 11 dryer vent. But there again, it's on -- I take 12 full responsibility for it, for missing that, my 13 office, my inspector. 14 There's a lot of inspections that are done 15 through the course. We don't change -- this 16 development is going to go through the same 17 inspection process that everyone else goes through, 18 new homes or -- and we go through the inspection 19 process. If something is missed -- you know, we 20 try not to miss anything. 21 THE CHAIRWOMAN: Is there anything we can learn 22 from any of the drainage issues? 23 MR. JOHNSON: Well, the drainage issue is more 24 of an engineer and soil control. I mean, we don't 25 get involved in it. My office doesn't get involved</p>
<p style="text-align: right;">Page 91</p> <p>1 Now, I had been over there and some of the 2 grading was -- it's just flat. So a lot of the 3 water sits on top because a lot of the lawns aren't 4 the best lawns over there because of the gravel and 5 whatnot. And a lot of the water sits on top of the 6 surface and, obviously, it will seep through the 7 easiest way to go in. A lot of times that's 8 windows wells, cracks in the foundation. 9 So, I mean, we did our best to inform the 10 contractor about the issues that people were 11 having, but, unfortunately, they continued to do 12 what they did. So you can only go back and make 13 sure that the dryer vents and hopefully the 14 contractor goes back and installs the vents that 15 are required. 16 Other than that, I've got nothing else. 17 THE CHAIRWOMAN: So what precautions can we 18 take for Overlook Ridge to have more check points 19 to do inspections? 20 MR. JOHNSON: Well, there's inspections done 21 constantly on these units. In other words, you 22 know, the dryer vents were missed by the mechanical 23 inspector, but here again, they were missed because 24 they were usually installed after we had done our 25 finals. There's a rough, there is a foundation</p>	<p style="text-align: right;">Page 93</p> <p>1 in that. We have an engineer from the outside who 2 was hired to do that, I believe. 3 Karen? I think Dave Provonsil? 4 MS. SCOTT: Yeah. So I can address some of the 5 things related to grading and storm water. So 6 generally, what we have is our consulting engineer 7 who reviews the plans when they come in, confirms 8 that they're going to work. And as you can see in 9 the comments that we get from him, points out 10 things that might need to be changed or updated to 11 make sure that the drainage system is going to 12 work. And then the developer's engineer is 13 responsible for ensuring that the site contractors 14 install according to their approved set of plans 15 and does a final inspection on the site to make 16 sure that the site is operating in the way it was 17 meant to operate. 18 We, as a general rule, don't send our 19 consulting engineer to go back out and inspect the 20 site, because that's on the developer's engineer to 21 do those inspections. 22 I am encouraged to hear that the homeowners' 23 association has been in touch with the designing 24 engineer to look at the topography out there and 25 make sure that the grades are as they were</p>

<p style="text-align: right;">Page 94</p> <p>1 designed, and if they're not, I'm sure they'll 2 address it, which I'm very encouraged to hear. 3 A condition that you could put on a plan set to 4 address this issue in the future would be to 5 require an inspection by the town's consulting 6 engineer prior to, and then pick a building permit 7 number, certificate of occupancy, on the whatever 8 unit, to go out and check the topography and grade 9 to make sure that it matches the final plan. 10 We in the Town, we don't have our own engineer, 11 and many times we trust the stamp of the people who 12 are the professionals and surveyors and engineers, 13 and we can't double-check everything that they do. 14 But that could certainly be an issue, and we could 15 do that at the cost of the developer to put an 16 additional plan. We've done that for a couple of 17 other projects that had particularly challenging 18 drainage sites. If you remember, we had some that 19 were built very high up and the grading was going 20 to have to be done on an individual lot basis. The 21 insulation, the OWTS, so we had our building 22 engineer go back and double-check the grading from 23 the original plans to make sure that the OWTS 24 followed that pattern, otherwise, they wouldn't 25 have worked for the whole development. So that's</p>	<p style="text-align: right;">Page 96</p> <p>1 should be getting a full set of the final plans. 2 They definitely need to be getting the long-term 3 operations and maintenance manual. And there's 4 some other things that would help a homeowners' 5 association understand the responsibilities when 6 they make that transition. 7 And so I don't know if the transition that 8 happened from the developer to the homeowners' 9 association of Bella Vista included that transfer 10 of all of those necessary documents. 11 So hopefully working with the engineer, those 12 documents will get to the HOA so that once the 13 problems are fixed that they experience, they can 14 maintain that system for the long term. 15 THE CHAIRWOMAN: Is it realistic to -- it 16 sounds to me like there's no homeowners' 17 association to more build out and populate it. So 18 shouldn't the O&M manual, the information, actually 19 be with every single person that buys a home there, 20 so at least as they -- as it becomes more occupied, 21 there's more people who have it, then hopefully a 22 higher percentage of people that, you know, dig 23 into it and read it, and then when there is an 24 association that's formed, it's more -- so it would 25 almost be like it would have to go with each deed.</p>
<p style="text-align: right;">Page 95</p> <p>1 one way to kind of address that. 2 I think a second thing that was brought up here 3 is the transition from the developer maintaining 4 the infrastructure onsite to the homeowners' 5 association maintaining the development in the 6 site. 7 So there's a lot of information that a 8 homeowners' association needs to know and 9 understand when they take over the maintenance of a 10 site like this. It might say, maintain all common 11 areas. And if you don't know, you'll think, okay, 12 the grass has got to get mowed and the flowers need 13 to get mulched. But really, it's the maintenance 14 of the entire storm water system. Every storm 15 water has a long-term operation and a maintenance 16 plan that lays out what you need to do and when you 17 need to do it after what kind of storm, and 18 annually, and what you have to do quarterly. So 19 that's what keeps the storm water in good working 20 order. 21 So I think maybe a check or balance that we can 22 put in there to ensure that when the developer 23 transitions over the homeowners' association, we 24 have some kind of evidence that those documents 25 changed hands. So the homeowners' association</p>	<p style="text-align: right;">Page 97</p> <p>1 MS. SCOTT: Well, you know what, I can talk to 2 our town solicitor about it. Another option would 3 be when we record the final plans that we record 4 the operations manual with it, so that everyone who 5 buys a unit who has a title, this will show up in 6 it. So instead of trying to micromanage someone 7 getting handed it 34 times, it can be in the record 8 with the title search. It can be easy to be found 9 in your closing paperwork when you buy a unit. So 10 that's a possible solution as well. 11 But, yeah, I think we can come up with some 12 conditions to try to address these things in the 13 future. 14 MR. JOHNSON: I think that's a great idea. We 15 received none of that. We did receive the drainage 16 report. We still have not received the -- the 17 term? We had talked about that. What was it? 18 MS. SCOTT: The long-term operation and 19 maintenance plan. 20 MR. JOHNSON: We still have not received that. 21 THE CHAIRWOMAN: That should be on record with 22 the Department of Environmental Management as well. 23 So when all else fails -- 24 MS. SCOTT: We have a request in to them. The 25 developer's engineer sent me a draft copy, but</p>

<p style="text-align: right;">Page 98</p> <p>1 we're not sure if it's the final version. So I'm 2 looking for final version to give to the 3 homeowners' association. So I put in a request to 4 DEM to try and get a copy, because it's referenced 5 in their storm water permits.</p> <p>6 MR. JOHNSON: Also, just, maybe a question, 7 obviously, the amount of water that we saw this 8 winter was very scary. The building of Overlook 9 Ridge will add -- originally it was supposed to add 10 about five acres of water coming down into Bella 11 Vista. They are taking steps to reduce that to, I 12 think it's going to be a little over 2, 2.1. 2.1 13 is still scary to us.</p> <p>14 And in the other situation that's a little 15 unique, is that water that's coming down from 16 Overlook Ridge, unfortunately, is really hitting 17 probably about five or six buildings. You know, 18 the buildings that are further in aren't going to 19 be quite as affected, but those five or six are 20 going to be drastically affected. So it's not like 21 2.1 acres of water are coming down and being 22 disbursed over 72 units. It's really hitting the 23 back where the berm is, you know, where that wall 24 is. We're kind of in a bowl, right? So it's going 25 to come down and really affect those units. And</p>	<p style="text-align: right;">Page 100</p> <p>1 avenues, and we hope they resolve soon.</p> <p>2 MR. DECESARE: Thank you.</p> <p>3 THE CHAIRWOMAN: Yes.</p> <p>4 MS. DIPIETRO: Jaclynn DiPietro, 84 Bella 5 Vista.</p> <p>6 So just to clarify, we do have 12 wells in 7 Bella Vista, and one of them that wasn't mentioned, 8 and I mentioned back in the meeting that you had 9 back in April of 2021, is a thousand feet deep. 10 And according to the plans that I saw, and I don't 11 know if they've changed, the well that's going to 12 go in in Overlook is right above it.</p> <p>13 So, again, that was my concern, is that once 14 you start, as Kevin mentioned, once you start 15 putting in all these wells and they start using 16 them, how is that going to affect our wells, 17 especially those that are along the back where the 18 berm is and those buildings are that Ken just 19 mentioned that get inundated with the water. 20 That's one of my concerns.</p> <p>21 THE CHAIRWOMAN: Have you had any well -- has 22 anyone had any well issues to date?</p> <p>23 MS. DIPIETRO: The only well issue that we've 24 had has been on the other side, more towards where 25 you come in. They did have a well that went dry,</p>
<p style="text-align: right;">Page 99</p> <p>1 I'm sure you'll hear from a couple of people that 2 were affected by that this winter. And one or two 3 of those units have a very, very short backyard, 4 unfortunately.</p> <p>5 THE CHAIRWOMAN: Yes, sir.</p> <p>6 MR. DECESARE: Kevin Decesare, Unit 58.</p> <p>7 Just to add to what Ken was saying, our septic 8 system, I'm not sure what DEM would say, but I'm 9 sure if they seen four to six inches of water in a 10 puddle pond as big as this room over our septic 11 system, they wouldn't agree with that. So 12 something has to be done. If they seen that, they 13 would not approve of that. And we're about 25 feet 14 off that embankment, so it's just not healthy, it's 15 not good. And I've got water in the cellar, too.</p> <p>16 THE CHAIRWOMAN: So have you reported that to 17 DEM?</p> <p>18 MR. DECESARE: Not to DEM, no, just the Board 19 knows about it. And I have pictures and videos. 20 It's not good. It comes right up to the stairs of 21 the building. It's not good. Can't stay like 22 that. We paid a lot of money for these places. 23 It's just simple drainage can be done. Something 24 can be done about it.</p> <p>25 THE CHAIRWOMAN: Continue to work through your</p>	<p style="text-align: right;">Page 101</p> <p>1 but for a very short period of time. It came back 2 within a day.</p> <p>3 My other question is, I'd like clarification on 4 the two different developers. I'm a little 5 confused on that.</p> <p>6 THE CHAIRWOMAN: Mr. Mancini, could you explain 7 that.</p> <p>8 MR. MANCINI: So I don't know what entity owned 9 Bella Vista, but this entity is Overlook Ridge, 10 LLC. That is going to be the entity that is going 11 to operate, utilize, and own the property. The 12 contractor is going be DeGregorio Construction. 13 That's the similarity between Bella Vista and 14 Overlook, is that your contractor is going to be 15 DeGregorio. They are going to do the site work, 16 but they're not going to do the construction, the 17 hammer and nails aspect. That's going to be a 18 framer, a plumber, an HVAC system, a floor person, 19 a drywall person, an electrician, a roofer, a 20 window, a sider. Those are all different entities, 21 but --</p> <p>22 THE CHAIRWOMAN: And who has the overall 23 responsibility for that? That's the owner?</p> <p>24 MR. MANCINI: That's going to be the owner. 25 That's going to be Overlook.</p>

<p style="text-align: right;">Page 102</p> <p>1 MR. CALDERARA: Do you know who the individual 2 is?</p> <p>3 MR. MANCINI: I don't know. They're limited 4 liability companies.</p> <p>5 MS. DIPIETRO: Can I ask another question. So 6 Bella Vista was done by Bella Sand, LLC. Who are 7 the officers of Bella Sand, LLC?</p> <p>8 MR. MANCINI: They're different officers. So 9 Bella Vista has a set of four officers, Overlook 10 has a different set of officers and a different set 11 of limited liability companies.</p> <p>12 MS. DIPIETRO: Correct. But do you know the 13 names of those officers?</p> <p>14 MR. MANCINI: I don't know the names. And you 15 know, that's -- I don't have to know the names of 16 them. You know, you have a deed. You have 17 remedies. Everyone has remedies available to them. 18 We're here as Overlook. We signed an application, 19 we have a project. I can find out, if the Board 20 wants, but I don't know the relevance.</p> <p>21 MS. DIPIETRO: (Inaudible)</p> <p>22 MR. MANCINI: It's not, because they're trusts. 23 They're different LLCs, they different entities, 24 and none of which was done by me. My job is, you 25 know, litigation --</p>	<p style="text-align: right;">Page 104</p> <p>1 get that. But we also don't want something similar 2 down the road to be happening.</p> <p>3 MR. MANCINI: Absolutely. So we're clear, I 4 mean, we're not trying to evade one issue from the 5 other. I mean, it's clear, and we're not trying to 6 say that there aren't issues at Bella Vista. 7 Obviously, there are issues and concerns at Bella 8 Vista. Those need to be handled by Bella Vista. 9 They cannot be used as a means to hold hostage 10 another property that is separate and distinct. 11 But what can be done is to put safety values or 12 measures in place to ensure that the issues that 13 other homeowners aren't suffered by Overlook Ridge 14 homeowners. And that would happen any other way.</p> <p>15 And I think that your planner identified a good 16 way of doing it, and we would go one step further 17 as Overlook in developing this, is what we would 18 suggest, is to have one or two independent final 19 inspectors, one that is an inspector that would do 20 what homeowner inspection would do. And that is 21 essentially go in and ensure that the building code 22 has been complied with in addition to what the 23 Building Department does. So the Building 24 Department, there's two separate building permits 25 that will be issued. There will be a foundation</p>
<p style="text-align: right;">Page 103</p> <p>1 MS. DIPIETRO: The LLCs are not filed with the 2 Secretary of State?</p> <p>3 MR. MANCINI: They are filed with the Secretary 4 of State, but what's not filed with the Secretary 5 of State are the operating agreements which govern 6 the ownership and the inner workings of the LLC. 7 All an LLC does is it files its annual report and 8 it files an incorporation document. And the 9 incorporation document and the LLC don't identify 10 who the actual owners are.</p> <p>11 MS. SCOTT: I could add that when we get an 12 application, we have an owner authorization form 13 that they have to have authorized and they have to 14 submit the appropriate papers of the LLC to show 15 that they are authorized to sign on behalf of the 16 application, who is authorized to sign on behalf 17 of -- I don't know about Bella Vista -- I mean, I 18 know about Bella Vista, which is Enrico DeGregorio. 19 I have the corporation papers. He's the authorized 20 signatory on the ownership. So we do know who owns 21 it. We know who is authorized to sign on behalf.</p> <p>22 MR. MANCINI: Correct.</p> <p>23 THE CHAIRWOMAN: So for this application, 24 obviously, we hear concerns. We feel for people in 25 Bella Vista. We understand that it is separate, we</p>	<p style="text-align: right;">Page 105</p> <p>1 permit, and then a building permit. The Building 2 Department can pick whoever they want as an 3 independent inspector to peer review and parallel 4 the review that the Building Department does. And 5 that can be done prior to the issuance of CO so 6 that you don't have an issue where the inspector 7 goes and inspects, everything looks good, and then 8 after the inspector leaves, there's something 9 different.</p> <p>10 So you will have someone else who will 11 parallel, review what the inspector is doing to 12 ensure that the CO is proper and it's issued based 13 on a certified professional registered engineer who 14 is not our engineer, who is an independent. So you 15 can do that for code. And then I've seen it in 16 other municipalities, especially that don't have an 17 Engineering Department, to have your own engineer 18 confirm the site. In other words, do an as-built 19 of the site after it's completed to make sure that 20 it matches with what has been proposed in this 21 development.</p> <p>22 You know, you've already had Dave Provonsil, a 23 registered professional engineer, provide a peer 24 review. We would not object to having Dave 25 Provonsil review and inspect the implementation of</p>

<p style="text-align: right;">Page 106</p> <p>1 the drainage report, either prior to the issuance 2 of the foundation permit or simultaneously with 3 that. That way you're ensured that the site is 4 properly prepped. And the developer would pay for 5 that. That's more than reasonable.</p> <p>6 MS. DIPIETRO: Just a couple of other points, 7 and just to clarify, too. On my dryer vent, it is 8 not under insulation, it's clear. You can see it 9 clearly. I can only speak to my own. I haven't 10 been in anybody else's building to look at the 11 dryer vent.</p> <p>12 My other concern is, and maybe Karen already 13 addressed it. So when I came in and looked at the 14 plans and looked at how they were going to develop 15 Bella Vista, and with the drainage in particular 16 for the drains going into the driveways, they were 17 going to go underground and go into a storm drain. 18 That clearly didn't happen. So for the future, how 19 do you monitor that, that that happens?</p> <p>20 THE CHAIRWOMAN: During the development of 21 Overlook?</p> <p>22 MS. DIPIETRO: Yes.</p> <p>23 MS. SCOTT: So that would be picked up on the 24 peer engineering review that we would do as part of 25 the site when it gets built. So we could look at</p>	<p style="text-align: right;">Page 108</p> <p>1 engineer's report, if you want to look on your PRC, 2 there's a few things related to roof drains that 3 were brought up on that issue with draining onto 4 the sidewalk and then freezing. So I think the 5 engineer brought up a few things that need to be 6 addressed.</p> <p>7 MS. DIPIETRO: Thank you.</p> <p>8 MS. SCOTT: Can I ask a question. Are the roof 9 drains going to be in the ground for this one, or 10 are they out?</p> <p>11 MR. PIAMPIANO: Some will be going into their 12 own individual bio retention basins, and then 13 others will be connected either through over land 14 or actually by piping and going into the sand 15 filter system. So it will be a combination.</p> <p>16 THE CHAIRWOMAN: So just a followup on that. 17 So what you just described was submitted to DEM 18 when they approved the MBDE permit?</p> <p>19 MR. PIAMPIANO: Yes.</p> <p>20 THE CHAIRWOMAN: And storm water management. 21 The ones that were going to a storm water 22 containment versus open flow.</p> <p>23 MR. PIAMPIANO: Yeah. What you see on these 24 plans is what was submitted to DEM.</p> <p>25 THE CHAIRWOMAN: And some of the drains, the</p>
<p style="text-align: right;">Page 107</p> <p>1 individual houses in the topography to make sure 2 it's installed.</p> <p>3 MS. DIPIETRO: Because I'm not sure -- I 4 haven't seen plans on that particular issue, for 5 Overlook, and I'm just -- I don't know if they're 6 retainage -- retention ponds or their engineering 7 for runoff at Overlook takes into account that 8 runoff, or is it strictly just water on the ground, 9 or is it actually taken into any runoff that's 10 going to come off any drains if they're not run 11 into underground and into storm drains.</p> <p>12 MS. SCOTT: I will defer to the engineer. I do 13 believe drainage is incorporated into his drainage 14 plans. I know that our engineer looked at it, and 15 he has a few comments on the attached report as 16 relates to the roof drainage. So I think that 17 would be incorporated into any decision that the 18 Planning Board makes.</p> <p>19 MS. DIPIETRO: So for Overlook we're going to 20 have somebody go out as each unit is done or a 21 building is done with two units in it, they're 22 going to check to make sure that the foundations 23 are right, that the drainage is put in per the 24 plan.</p> <p>25 MS. SCOTT: Um-hum. I think on Sheet 8 on the</p>	<p style="text-align: right;">Page 109</p> <p>1 roof drains, are open and just run to the driveway 2 or to the lawn and others don't.</p> <p>3 MR. PIAMPIANO: They all have designated areas, 4 but they're different type areas. So some are bio 5 retention areas, some are piped in hard into the 6 main roadway system. So it's a combination of 7 different types of drainage that we're using. But 8 it's all treated, because DEM looks at treating 9 roof runoff. So it at least has to be treated by 10 the sand fill or bio retention.</p> <p>11 THE CHAIRWOMAN: Bio retention filters. Could 12 you describe that a little bit.</p> <p>13 MR. PIAMPIANO: So, really, they're kind of 14 similar. It's usually a filter media and the 15 water, as long as the water gets in there, it 16 disperses over the top of it, and there's a 17 treatment process that goes on before it gets into 18 the groundwater.</p> <p>19 THE CHAIRWOMAN: So if I'm a homeowner and my 20 drainage goes to a bio retention system, is there 21 maintenance that I need to know to do to keep that 22 functioning properly?</p> <p>23 MR. PIAMPIANO: Yeah. There definitely is 24 maintenance that will be in the O&M. And I think 25 in this case they're community systems and I</p>

<p style="text-align: right;">Page 110</p> <p>1 believe the homeowners' association in general 2 maintains all the drainage onsite.</p> <p>3 MR. CALDERARA: If they have the documents.</p> <p>4 THE CHAIRWOMAN: If they knew they needed to do 5 that, and if they had the documents.</p> <p>6 MR. DEGRANGE: Asking a question for the 7 solicitor. When we have people make presentations 8 on behalf of their client or whatever, we don't 9 swear them in here, do we deem them as the expert 10 witnesses, so to speak, based on their individual 11 topics? The reason why I'm going with that is, 12 before us today is an application done by -- on 13 multiple people submitted to us, and if I recall, I 14 might be wrong, but some of the same people 15 performed the designs for Bella Vista. So, and my 16 concern is that the system that was designed for 17 Bella Vista, given the runoff that we've seen in 18 the design issues there, while may not be under our 19 jurisdiction, the history of the development and 20 the designs, all the implementation thereof, is. 21 Am I wrong?</p> <p>22 MR. IGLIOZZI: Not as to Bella Vista, but as to 23 this project, yes. But it's really still unclear, 24 and I think it's still unclear, whether the issues 25 at Bella Vista are design issues or construction</p>	<p style="text-align: right;">Page 112</p> <p>1 have nothing to do with this Board, but the 2 construction of the buildings meet the code to a 3 homeowners' inspector process done by a peer 4 review, all of that.</p> <p>5 So the homeowner issues like the dryer vents 6 and things of that nature, really are well beyond 7 the scope. So, really, it's about, simplistically, 8 it's really about whether or not these plans are 9 implemented in an as-built condition by an engineer 10 that's reviewed by the Town.</p> <p>11 So if you're going to get into credibility of 12 the engineer, the Board has never --</p> <p>13 MR. DEGRANGE: Not necessarily credibility of 14 the engineer, but it's a combination of both the 15 designs and the as-built, and will this happen 16 again. Yes, the town is going to give a way that 17 we can have inspections done, and if this does go 18 further, it has to happen. And for me, it would be 19 25 percent increments of construction to ensure 20 that those things are being done. But I still have 21 concerns that if designed as approved, plans are -- 22 that are failing, clearly, what's to prevent these. 23 And that's where I'm at.</p> <p>24 MR. IGLIOZZI: Well, that's your job to --</p> <p>25 MR. DEGRANGE: To me, it's environmental</p>
<p style="text-align: right;">Page 111</p> <p>1 issues. It's somebody -- whether or not they were 2 designed correctly, I mean, the engineer's plan, 3 stamped by an engineer, the question is, did 4 they --</p> <p>5 MR. CALDERARA: Implement it.</p> <p>6 MR. IGLIOZZI: -- implement the plan. So this 7 isn't going to be the place for that.</p> <p>8 MR. DEGRANGE: Here's the reason why I said 9 that: Given that exact response is why I'm 10 hesitant to consider this any further until I know 11 that answer.</p> <p>12 MR. IGLIOZZI: Until you know what answer? 13 I'm sorry, about Bella Vista?</p> <p>14 MR. DEGRANGE: The design. Because it goes to 15 the credibility and the suitability of these. Just 16 because DEM approved them, in my opinion, doesn't 17 mean that they're going to not experience the same 18 things that Bella Vista has had.</p> <p>19 MR. IGLIOZZI: Well, I think the only -- again, 20 I think that's a difficult position to take. And I 21 think that the Board can take the planner's 22 suggestion and implement both a post as-built peer 23 review to confirm that the plans presented and 24 stamped by these engineers are exactly implemented. 25 And then secondly, that the construction, which</p>	<p style="text-align: right;">Page 113</p> <p>1 issues, runoff, not really controlling your runoff, 2 letting water run off to a neighboring property. 3 To me, that -- I don't even know how that's 4 allowed. So that's where I'm at.</p> <p>5 MR. IGLIOZZI: I'll let the attorney address 6 those issues in getting beyond the scope.</p> <p>7 MR. MANCINI: If I could just refer to that. I 8 understand your point. The issue is this: And I 9 think your solicitor identified it correctly. It's 10 not a question of whether or not the drainage plans 11 that were presented and approved by Bella Vista 12 failed, it's a question maybe as to whether or not 13 they were properly implemented. Because if you're 14 going to compare apples and apples, you have to 15 compare apples to apples. And moreover, what 16 you're saying is that, well, because I understand 17 that there's a failure at Bella Vista, then I'm 18 going to assume that these plans which have been 19 prepared by similar engineers are going to fail. 20 But that assumption has to be premised on 21 something, and one of the premises of that 22 assumption is that DEM didn't do its job. That DEM 23 essentially approved these plans and was negligent 24 in doing so. And I don't think you can make that 25 assumption of a public or a state agency. Each one</p>

<p style="text-align: right;">Page 114</p> <p>1 has to stand on its own.</p> <p>2 And so what you have before you are plans that</p> <p>3 are stamped by a registered professional engineer</p> <p>4 licensed in Rhode Island, that have been reviewed,</p> <p>5 not once but three times. They've been reviewed by</p> <p>6 David Provonsil, who is a registered professional</p> <p>7 engineer on behalf of the Town, and you have his</p> <p>8 report that confirmed the mathematical specificity</p> <p>9 of drainage calculations and the plans. They were</p> <p>10 then reviewed by DEM which issued a RIPDES permit,</p> <p>11 which incorporates a soil and erosion plan and</p> <p>12 incorporates all of the DEM regulations and</p> <p>13 requirements. And this project is unique.</p> <p>14 Different from Bella Vista because it fronts on a</p> <p>15 state highway and because there was a change in</p> <p>16 use, it required us to obtain a physical alteration</p> <p>17 permit. And part of the analysis that's done by</p> <p>18 DOT for the issuance of that permit is a</p> <p>19 determination of drainage. So DOT, interestingly</p> <p>20 enough says, regardless of what DEM did, we're</p> <p>21 going to do it again, and we're going to review it.</p> <p>22 So these plans, based on the review of</p> <p>23 Provonsil, the review of DEM, and the review by</p> <p>24 DOT, you can't just make the assumption that</p> <p>25 they're not viable, that they will not work or they</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. MANCINI: So the way to do what you said</p> <p>2 there needs to actually be a determination, and the</p> <p>3 question is who is going to make that determination</p> <p>4 of whether or not another project has issues and</p> <p>5 whether or not that property, which is not</p> <p>6 associated with this property or this application,</p> <p>7 whether or not those issues arise from drainage</p> <p>8 design, drainage implementation, or drainage</p> <p>9 maintenance and operation. Those are three</p> <p>10 separate issues, all three of which would have to</p> <p>11 be adjudicated in a forum that has nothing to do</p> <p>12 with this forum.</p> <p>13 THE CHAIRWOMAN: So as we've been talking, the</p> <p>14 thing we can do is to put the additional checks and</p> <p>15 inspections so that the implementation is closer to</p> <p>16 design, or is exactly as designed, prior to</p> <p>17 occupancy and signing off on things.</p> <p>18 MR. MANCINI: You could do that with any</p> <p>19 project. That's what you would do in any capacity</p> <p>20 as a board member. In other words, you have the</p> <p>21 ability to filter -- the ability to garner</p> <p>22 information relative to projects that are occurring</p> <p>23 in the town, what is working, what is not working,</p> <p>24 and then apply that experience to your enforcement</p> <p>25 in application of regulations. And that's well</p>
<p style="text-align: right;">Page 115</p> <p>1 will fail, because a neighboring property has</p> <p>2 issues. But we haven't identified what those</p> <p>3 issues are. And that really aren't before the</p> <p>4 Board.</p> <p>5 MR. DEGRANGE: Also may not have been the</p> <p>6 design. It could have been the implementation</p> <p>7 thereof.</p> <p>8 MR. MANCINI: Yeah, you don't know. That's my</p> <p>9 point. So you can't make that decision if you</p> <p>10 don't know. And you're not in a position to --</p> <p>11 your point is you want to deny this because of</p> <p>12 something that you don't know.</p> <p>13 MR. DEGRANGE: I didn't say I was going to</p> <p>14 deny.</p> <p>15 MR. MANCINI: You can't do that.</p> <p>16 MR. DEGRANGE: You can't put words in my mouth.</p> <p>17 MR. MANCINI: You have to look at what's in</p> <p>18 front of you, what your purview is, what the</p> <p>19 regulations are, and whether or not those</p> <p>20 regulations are --</p> <p>21 MR. DEGRANGE: Never said I was going to deny.</p> <p>22 I never said I was going to deny. I just want to</p> <p>23 know the answer before I -- and have the</p> <p>24 information before I make a decision, and I don't</p> <p>25 feel I have those yet.</p>	<p style="text-align: right;">Page 117</p> <p>1 within your power to do.</p> <p>2 THE CHAIRWOMAN: It is, certainly. But it also</p> <p>3 isn't commonly necessary from our Board, nor do we</p> <p>4 feel the need that we do in this case.</p> <p>5 MR. MANCINI: Sure. You're right about that.</p> <p>6 It's not your job to babysit developments or to</p> <p>7 ensure that plans have been properly executed, and</p> <p>8 I don't disagree with that.</p> <p>9 THE CHAIRWOMAN: It's also not our job to have</p> <p>10 to talk to our neighbors who are suffering because</p> <p>11 of a poorly-done job, but we're here doing that.</p> <p>12 MR. MANCINI: I don't disagree with that.</p> <p>13 THE CHAIRWOMAN: You know, hopefully there's</p> <p>14 some lessons learned here and they live up to their</p> <p>15 obligation to make the people whole again.</p> <p>16 But absolutely. We understand what our</p> <p>17 obligation is and what our limitations are.</p> <p>18 Other questions?</p> <p>19 MR. LAPLANTE: Before I make comments I would</p> <p>20 like to ask the solicitor, am I allowed to speak as</p> <p>21 a private citizen?</p> <p>22 MR. IGLIOZZI: Absolutely.</p> <p>23 MR. LAPLANTE: David LaPlante, 47 Absalona Hill</p> <p>24 Road, Gloucester, Rhode Island.</p> <p>25 I'm also on the Town Council, but I want to put</p>

<p style="text-align: right;">Page 118</p> <p>1 on the record that I'm speaking as a private 2 citizen from past experiences that I've had as an 3 abutter with things being built.</p> <p>4 So on Absalona Hill Road, there was two large 5 solar fields going in. And there was engineers and 6 studies, but the abutters managed to shrink the 7 size of those solar fields -- correct me if I'm 8 wrong, Ken -- by about eight to ten times their 9 original size because of what those solar fields 10 could do with runoff, which is a concern here, and 11 with the topography of the land that the solar 12 panels were going on. And so people speaking up 13 does work.</p> <p>14 I'll agree that you don't have the right to 15 hold hostage a project because of problems that 16 you're having where you are. Do I think your 17 problems should be addressed? Absolutely. But you 18 do have the right as an abutter to ask the hard 19 questions, to see what's being built, to see how it 20 could affect your property. And if it can 21 adversely affect your property, then you have the 22 right to ask for accommodations so it doesn't 23 affect your property.</p> <p>24 It was a hard road for us, a lot of argument, a 25 lot of back and forth, but it worked. And that's</p>	<p style="text-align: right;">Page 120</p> <p>1 to be kind of lost in the shuffle. Again, it's 2 just a comment. I hope that doesn't happen but --</p> <p>3 THE CHAIRWOMAN: I hope not, too.</p> <p>4 MR. STEERE: George Steere, 96 John Steere 5 Road. So I have concerns about mostly the wells. 6 I haven't seen where the septic systems are going. 7 But I'm assuming that, because Nick had stated he 8 was putting them all on virgin, undisturbed ground, 9 I believe?</p> <p>10 MR. PIAMPIANO: Excavated but undisturbed.</p> <p>11 MR. STEERE: So that's going to be a pretty 12 concentrated area with 7,000 gallons a day running 13 into it. Because most of that ground has been 14 filled back in again, or half of it where that 15 project is going.</p> <p>16 MR. PIAMPIANO: The septic system is dispersed 17 pretty much throughout the whole project.</p> <p>18 MR. STEERE: So we listened to expert testimony 19 tonight about the water and the aquifer and the 20 water in the ledge. But my concern is the shallow 21 wells in the neighborhood. I have two houses on 22 102, 146 and 150, which is right at the end of 23 Cross Road. One well I had drilled probably five 24 or six years ago. That's a couple of hundred feet 25 deep, or close to it. But the well in the back is</p>
<p style="text-align: right;">Page 119</p> <p>1 just one example. There are other examples in town 2 where, you know, buildings are going up and so 3 forth. The abutters have an absolute right to 4 question if that development, that house, that 5 change of land, is going to affect your property. 6 That's what you have to look at. How is it going 7 to affect your property. Not so much that -- you 8 do have problems, evidently. I wasn't on the Town 9 Council when Bella Vista went in, so I don't know 10 the problems. I've heard the problems tonight. 11 And, you know, you certainly have avenues to take. 12 You have to be proactive, you have to contact DEM, 13 other agencies to get into the meat of it to find 14 out exactly what's going on. But when it comes to 15 a new development that abuts you, as an abutter, 16 you do have rights to ask for answers and for those 17 answers to be straightforward.</p> <p>18 THE CHAIRWOMAN: Thank you.</p> <p>19 Anyone else?</p> <p>20 MS. DIPIETRO: Janine, I just have one more 21 comment. It's not really a question, it's a 22 comment.</p> <p>23 My concern is that if this goes forward as it 24 is, I'm assuming other people here are concerned 25 also, that if this goes forward, that we're going</p>	<p style="text-align: right;">Page 121</p> <p>1 shallow. As the crow flies, 800 or a thousand feet 2 away, I have a well for my shop that's only 24-feet 3 deep. My son has one across the street that's 4 150-feet deep. And going in the other direction I 5 have one that's 96-feet deep. Gravel-packed well.</p> <p>6 So how is the water usage going to affect these 7 shallow wells? And there are probably other 8 neighbors on Cross Road, I don't know, that have 9 shallow-drilled wells. It's probably not going to 10 hurt somebody that's got a 400-foot deep well, but 11 how is it going to affect someone with a hundred or 12 a hundred and fifty-foot well five or ten years 13 down the road. It sounds like this gentleman would 14 be able to guarantee you in writing that he or his 15 successors would replace or drill a new well for 16 somebody, because he's so certain that it's not 17 going to affect anybody's well in the future. But, 18 you know, maybe a performance bond, looking at the 19 problems that these contractors and the engineers 20 have had on the previous job would be in order for 21 something that would be in effect for ten years, at 22 least for problems with people's construction on 23 their houses.</p> <p>24 And did they take into account when they 25 designed Bella Vista that there was a five- or</p>

<p style="text-align: right;">Page 122</p> <p>1 six-acre crater in the front where this new project 2 is going that was containing water when it rained? 3 And a year ago, they pushed tens of thousands of 4 yards of material from the edge of 102 back in and 5 filled that crater in. That's where five or six of 6 these new homes are going, on that 25-foot deep 7 fill. But that totally changed the runoff. That's 8 why you're having problems over there in the last 9 year or two. Because that's all been regraded and 10 refilled in, and it's not a crater anymore. Now 11 the runoff, some of it goes back down to these 12 people's homes.</p> <p>13 But, you know, all these expert witnesses did 14 that first job on the other land whom someone else 15 owns. Different Board of Directors, different LLC, 16 but, you know, did they plan for that regrading 17 when they engineered Bella Vista? Apparently not, 18 because water is overflowing the retention ponds 19 and in people's cellars, and I don't know.</p> <p>20 So anyway, I asked the question, who is going 21 to pay for drilling new wells when the wells dry 22 up, my neighbors' shallow wells five years, ten 23 years down the road of the Town Council, and there 24 was no answer. So I guess I'm asking the same 25 question here.</p>	<p style="text-align: right;">Page 124</p> <p>1 gravel patch well. Considering the depth of 2 deposits in this area, the glaciofluvial outwash 3 deposits, I wouldn't expect a well, say 60, 70, 4 whatever it was, 80, a gravel-packed well to go 5 dry, because it's being -- it's got substantial 6 recharge coming in from a long upgraded reach. And 7 it's deep enough that even if the groundwater 8 tables, say, decline by 10 or 15 or 20 feet, you 9 still have sufficient water in that well, 10 sufficient depth of water to sustain yourself, even 11 in drought conditions.</p> <p>12 Now let's move to bedrock wells. If you have a 13 shallow bedrock well, and I mentioned one earlier 14 that was 80-foot deep based upon the information I 15 was provided, one of the Bella Vista wells, I would 16 be -- I would have extreme concerns that a well 17 that shallow likely recharged by horizontal or 18 sub-horizontal fracturing due to delamination of 19 foliation layers in the bedrock is at severe risk 20 of going dry or losing a lot of capacity in a 21 drought condition.</p> <p>22 Everything I've just said to you for these 23 different wells has nothing to do with if there's a 24 neighboring well that's 400 or 500 or 600 feet deep 25 that's drawing from waters from fractures hundreds</p>
<p style="text-align: right;">Page 123</p> <p>1 THE CHAIRWOMAN: Thank you.</p> <p>2 Mr. Ferrari, would you be able to speak to any 3 affect on the shallow well?</p> <p>4 MR. FERRARI: Sure. First of all, not all 5 wells are the same. This gentleman described at 6 least three different wells.</p> <p>7 MR. STEERE: If you could speak into the mic so 8 we can hear you in the back of the room.</p> <p>9 MR. FERRARI: I'll try to do better. Is the 10 mic even on?</p> <p>11 If you have a very shallow well, say, 10, 15, 12 20 feet deep, which is likely a dug well, you're 13 very susceptible to drought conditions that have -- 14 because of the upper layer of the soils. If you 15 have a drought like we had a couple of years ago, 16 there are any number of very shallow-dug wells or 17 well point systems using 15/20/30 foot deep well 18 points. A lot of wells in this state, as well as 19 elsewhere in New England, went dry or had severe 20 capacity problems because the upper layer of the 21 soils, the static level went down due to drought 22 conditions.</p> <p>23 If you have -- one of the wells mentioned was, 24 if I'm wrong on the depth, correct me, I believe he 25 said it was probably 60 or 70 or 80 feet, it was a</p>	<p style="text-align: right;">Page 125</p> <p>1 of feet in the ground. Those deep bedrock wells 2 are for all intents and purposes substantially 3 disconnected from shallow overburdened wells or 4 even bedrock wells.</p> <p>5 Now, where you can have an issue is if you've 6 got a couple of drilled bedrock wells in close 7 proximity to each other which are directly 8 connected through fractures, and have very 9 substantial sustained extraction rates or pumping 10 rates, okay? They can adversely impact each other. 11 You know, one can be pumping and the other one gets 12 drawn down, or vice versa. However, you also have 13 to look at your daily extractions, and what comes 14 back to that is, what is your -- you know, make a 15 determination of what is your effective storage in 16 the bedrock. Because if you have drought 17 conditions, that's when you're relying more and 18 more on the storage in the bedrock.</p> <p>19 We don't have a high density of wells in this 20 area. If I recall correctly, and I may be a little 21 off, I didn't have anything to do with the Bella 22 Vista development, so I'm cobbling together some 23 information. But if that development is 30, 35 24 acres and you have, say, 13 wells, that's a 25 relatively low density situation as far as, say, a</p>

<p style="text-align: right;">Page 126</p> <p>1 subdivision water supply system.</p> <p>2 Even in the case of Overlook Ridge where you're</p> <p>3 proposing six private wells on 11 acres, that's</p> <p>4 almost two acres per well. I routinely get called</p> <p>5 in to evaluate subdivisions that every house has</p> <p>6 its own well, and you're seeing, two, three, four</p> <p>7 wells in an acre, or a very close proximity, and</p> <p>8 then you have a lot of overlapping zones of</p> <p>9 influence, and that's when you get a lot of</p> <p>10 interference with the wells and they can severely</p> <p>11 impact each other. In Scituate there's an area</p> <p>12 where people are running hoses between their</p> <p>13 houses. And I've tried to explain to them, you've</p> <p>14 got about 40 houses and everyone's got a well, and</p> <p>15 you're in a very small area, and you're all in the</p> <p>16 same fracture zone.</p> <p>17 So you have to look at this very carefully. So</p> <p>18 we look at what's our density of wells, how many,</p> <p>19 you know, wells per acre or acres per well, what's</p> <p>20 our depth, where are the fractures. A lot of the</p> <p>21 wells at Bella Vista, at least the ones I've seen</p> <p>22 with the exception of that one shallow well, those</p> <p>23 other wells are generally drawing water from</p> <p>24 fractures that are relatively deep in the ground,</p> <p>25 200, 300, 400, 500 feet in the ground.</p>	<p style="text-align: right;">Page 128</p> <p>1 of years ago and a lot of wells in Rhode Island</p> <p>2 were either going dry completely -- I'm talking</p> <p>3 drilled wells -- or they were at least losing, or</p> <p>4 had lost a lot of capacity. They could pump down</p> <p>5 very quickly and it would take, you know, it would</p> <p>6 take eight hours or overnight for the well to</p> <p>7 recover. That was very common.</p> <p>8 Every halfway competent well-driller and well</p> <p>9 services company operating in Rhode Island, they</p> <p>10 were backlogged for six months or more. Some are</p> <p>11 still doing well repair work and well redevelopment</p> <p>12 work.</p> <p>13 So you've got to be very careful. I mean, I --</p> <p>14 during that drought we saw bedrock wells that had</p> <p>15 been -- their static levels were down 20 to 40 feet</p> <p>16 from normal. But if they were deep enough, they</p> <p>17 still maintained reasonable capacity to support,</p> <p>18 say, you know, one or two or three or five</p> <p>19 single-family residences, whatever units were on</p> <p>20 those wells.</p> <p>21 So there's no one answer here, and it's very</p> <p>22 case specific with wells. And you've got a lot of</p> <p>23 factors to look at. But, again, you know, if</p> <p>24 you've got a shallow well, the first thing you have</p> <p>25 to look at is if you're losing capacity, it's not</p>
<p style="text-align: right;">Page 127</p> <p>1 The exploratory well at Overlook Ridge are</p> <p>2 primary fracture, and that well is only 400 feet</p> <p>3 deep. Its principal fracture zone is 220, 240 feet</p> <p>4 deep. So you've got to look at that one. The</p> <p>5 deeper your fractures are, the less likely they are</p> <p>6 to be impacted due to drought conditions which are</p> <p>7 at the surface. Remembering, bedrock is recharged</p> <p>8 from overburden, water percolating through the</p> <p>9 overburden materials. The deeper your fractures</p> <p>10 are, particularly if you have a lot of</p> <p>11 cross-cutting fractures, you broaden your</p> <p>12 horizontal area of recharge but you're also</p> <p>13 broadening your vertical depth of recharge. So the</p> <p>14 deeper you are with fractures at depth that have</p> <p>15 sufficient capacity and really demonstrated by the</p> <p>16 rate of recharge, that gives you a higher degree of</p> <p>17 confidence that you're not going to de-water</p> <p>18 because somebody installed a well 500 feet away and</p> <p>19 is now pumping that well. Is that going to have an</p> <p>20 adverse impact on your well. There's no absolute</p> <p>21 guarantees, okay?</p> <p>22 What I say to anybody who's got a shallow well,</p> <p>23 you've got to look at your own well first to</p> <p>24 assess. If we're in a drought condition, as I</p> <p>25 said, we were in a pretty severe drought a couple</p>	<p style="text-align: right;">Page 129</p> <p>1 necessarily there's another well someplace else, a</p> <p>2 bedrock well that you think is sucking your well</p> <p>3 dry. That's usually not the condition, with a dug</p> <p>4 well or even with a shallow bedrock well, because</p> <p>5 you're recharged from above. You're recharged</p> <p>6 laterally and vertically, and you've got to look at</p> <p>7 that very carefully, what's your recharge area and</p> <p>8 what's your recharge rate.</p> <p>9 A little long-winded. I apologize for that.</p> <p>10 MR. MANCINI: Can we take five minutes for the</p> <p>11 stenographer.</p> <p>12 (BRIEF RECESS)</p> <p>13 THE CHAIRWOMAN: We're going to restart.</p> <p>14 MR. DEGRANGE: Make a motion to reconvene.</p> <p>15 THE CHAIRWOMAN: We are reconvened. Thank you.</p> <p>16 Were there any other questions from the public</p> <p>17 that wanted to be heard?</p> <p>18 Seeing none, at this time, questions from the</p> <p>19 Board? Additional information?</p> <p>20 MR. CALDERARA: Just one comment. I would</p> <p>21 assume that Nick would be more than happy to</p> <p>22 confirm that he is not adding any more water to</p> <p>23 Bella Vista than -- in fact, he's making less water</p> <p>24 to Bella Vista than is currently there.</p> <p>25 MR. PIAMPANO: That's correct. And we talked</p>

<p style="text-align: right;">Page 130</p> <p>1 to Ken and Dave in a Zoom meeting. We're going to 2 even try -- there's a couple of areas, Dave had a 3 concern -- there's an access road so we're going to 4 see if we can cut off even more water at that 5 point. So we're going to do as much as we possibly 6 can.</p> <p>7 Right now, like I said in testimony, it's about 8 a 50 percent reduction. If we can get it lower, 9 we're going to try get it lower. We'll do the best 10 we can.</p> <p>11 THE CHAIRWOMAN: You mentioned the two acres 12 toward the northwest area that you had mentioned, 13 the two acres was still going to -- you know, a 14 hundred year storm was still going to add, but if 15 DEM approved it during your --</p> <p>16 MR. PIAMPIANO: Yeah. The only increase in the 17 hundred year storm goes out to 102, not to Bella 18 Vista. That actually is about another 50 percent 19 reduction also for the 100-year storm, so for that 20 watershed. It's the other two that had the slight 21 increase in the 100-year storm.</p> <p>22 THE CHAIRWOMAN: Thank you.</p> <p>23 MR. MANCINI: Madam chair, I just want to add, 24 I think that, you know, there's been a lot of 25 discussion with respect to concerns that took place</p>	<p style="text-align: right;">Page 132</p> <p>1 it's understood, and that is that they're separate. 2 They're separate developments, they're separate 3 applications, they're separate owners. But that 4 doesn't mean that what has happened in Bella Vista 5 isn't going to be addressed. So I think that that 6 is going to be addressed on its own means and 7 through its own mechanisms that are in place in the 8 remedies that they have.</p> <p>9 What you have in front of you is a 10 determination as to this application, and whether 11 this application complies with the regulations that 12 you have to enforce and have to apply. And we have 13 done the job that we're supposed to to show you the 14 burden under 45-23-60, which are the five elements 15 for which you have to review and to make a 16 determination and adjudicate whether or not we've 17 met them and we have that we have.</p> <p>18 So with that, our application is complete and 19 we respectfully request an approval for Preliminary 20 and Master Plan. Remember, Master Plan is a 21 conceptual design. Preliminary Plan is really 22 where the focus and emphasis has been this evening, 23 because you have all the engineer plans in front of 24 you, and you have them reviewed. Your time frame 25 in which to make this determination and decision by</p>
<p style="text-align: right;">Page 131</p> <p>1 at Bella Vista and whether or not those concerns 2 would be addressed. And I know I've heard from 3 some of the unit owners that said that their issues 4 and their concerns have gone to deaf ears with 5 respect to the developer. That I don't know, but 6 what is clear to me, and I think it's clear to the 7 Board, is that you have the same engineer and the 8 same contractor that is going to be onsite doing 9 the Overlook Ridge.</p> <p>10 So this is a unique opportunity where you're 11 going to be able to capture that engineer and that 12 contractor to do and look at what issues can be 13 resolved and what took place at Bella Vista.</p> <p>14 So by no means am I suggesting or am I saying 15 that the developer at Bella Vista and the 16 contractor at Bella Vista are in any way trying to 17 skirt their responsibilities, because from a legal 18 perspective right now, they cannot. There are 19 protections in place.</p> <p>20 So it doesn't matter how many entities are 21 sheltered from one LLC to another LLC, the 22 responsibility is still going to fall somewhere, 23 and that's going to have to be recovered and 24 recouped and addressed.</p> <p>25 My point from the beginning is, and I think</p>	<p style="text-align: right;">Page 133</p> <p>1 the State statutes and your regulations, as you're 2 aware. We have complied with everything that we 3 have been asked to comply with. If there's any 4 additional information, we're certainly willing to 5 do that.</p> <p>6 There is another step, Final Plan, and we're 7 not suggesting or recommending that this be made 8 administratively. I think it's appropriate for us 9 to return back to the Planning Board for Final Plan 10 to address any inconsistencies with respect to the 11 reports and plans, and to also address any 12 additional concerns that you have now with regards 13 to our Preliminary Plan.</p> <p>14 And, finally, with regards to Bella Vista, we 15 will give you an assurance that we will work with 16 the Bella Vista Condominium Association to 17 determine what the issues are, and how those issues 18 have been created. I think from a ten thousand 19 feet in the air view it looks like it's an 20 implementation, installation, operation issue, and 21 those can be resolved. Code issues, those are code 22 issues, those have to be resolved by the time the 23 Town starts to issue violations. So there are 24 mechanisms. Fortunately, I don't think we're at 25 the enforcement stage, so this is good. This means</p>

<p style="text-align: right;">Page 134</p> <p>1 that there's not a lot of resources that get wasted 2 on a legal challenge, but can get utilized on a 3 resolution standard as opposed to paying lawyers, 4 which I don't object to, but I think we can solve 5 that problem.</p> <p>6 THE CHAIRWOMAN: I'm glad to hear that there's 7 a willingness to work with the homeowners at Bella 8 Vista. And I think there is another opportunity 9 from an education standpoint that the developers 10 have to take a better appreciation for the designs 11 of a lot of these storm water and storm water 12 management systems are complicated. And the 13 engineers understand, and DEM understands, and DEM 14 approves them. Well, you can do this, you can do 15 this design, you can do infiltration, you can do 16 bio retention, you can do swales. It's all great, 17 but after it's built and it has to be maintained, 18 that information isn't shared. And the average 19 person, homeowner, has no feel for what's involved 20 in that. And especially if information isn't being 21 shared with them, even in the form of documents.</p> <p>22 But I think that's a responsibility of the 23 developer as well as the people selling the homes. 24 There is a level of education that has to be 25 shared; otherwise, it fails everyone. It fails the</p>	<p style="text-align: right;">Page 136</p> <p>1 It goes to your point, and that is that a person 2 reading it, it doesn't matter. And then you can't 3 certify that the grade hasn't changed a bit. And 4 you can have a neighbor just bring in an extra foot 5 of fill or a half a foot of fill and it changes 6 everything. And how many times have you seen where 7 houses are built, your neighbor, you know, redoes 8 the lawn, and all of a sudden your driveway is 9 filled with water. It's not a design issue, it's 10 an installation maintenance issue. But in condo 11 associations the benefit of that is that the 12 association as a group can negotiate their way 13 through those issues and resolve them. And I think 14 with proper maintenance in place, first identifying 15 the problem and then fixing that problem, and then 16 putting the proper mechanisms in place to continue 17 the maintenance of it in perpetuity is going to 18 resolve it.</p> <p>19 So I think those issues, I mean, it's tough, I 20 get it. You know, you live there, you deal with it 21 every day. But I can tell you, from my experience, 22 I've seen worse that gets resolved.</p> <p>23 THE CHAIRWOMAN: I guess that's all we can ask 24 is that you pass the message along to help the 25 Bella Vista residents.</p>
<p style="text-align: right;">Page 135</p> <p>1 homeowner, it fails the environment, certainly, and 2 then it hurts the future of the next development as 3 well.</p> <p>4 MR. MANCINI: I agree with you. I don't know 5 what specifically happened at Bella Vista, but I do 6 a lot of these developments over the state, and 7 usually when you reach 80 percent occupancy is when 8 the homeowners' association takes over from the 9 developer. And at that point, there are contracts 10 in place, maintenance contracts in place, and those 11 maintenance contracts are signed over to the 12 association so that the association doesn't have to 13 deal with the day-to-day challenges of figuring out 14 what retention basins are cleaned and what 15 retention basins are not. There are professionals 16 that do that.</p> <p>17 And this is a good-sized, I mean, 77 units is a 18 good-sized unit, but that can be done. I know it's 19 probably going to be addressed going forward. But 20 even on smaller developments, usually what happens 21 is with the filing of the public offering 22 statements, which are the condominium documents, 23 attached to it is the O&M document, but attaching 24 that O&M document, which is the operation and 25 maintenance document, doesn't solve your problem.</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. MANCINI: I think that's been heard and I 2 think you got an e-mail. The dialogue is already 3 open and it's in process, so that's going to 4 continue. And there is a mechanism in place now.</p> <p>5 THE CHAIRWOMAN: Jackie, is it anything new? 6 MS. DIPIETRO: Just to clarify, yes. It was 7 when it was 80 percent, that's when the association 8 took over, which didn't happen until July of 2021. 9 So we hadn't even been a year that the association 10 is in place. The development has only been there 11 five years. And just to clarify, I went through 12 everything that was recorded at the Town Hall for 13 Bella Vista, and the only contract that was there 14 was Influential Technology (phonetic), which was 15 for an alarm system on one of the septic systems. 16 There was nothing else that was there.</p> <p>17 The only way that we found out about different 18 things about maintaining the retention ponds was 19 from the plans that I went through and looked and 20 took pictures of.</p> <p>21 THE CHAIRWOMAN: Thank you.</p> <p>22 10:20. Close the public hearing.</p> <p>23 Before us is Major Land Development, Overlook 24 Ridge, LLC, applicant is Bella Sand, LLC, owner, 25 requests Master Preliminary Plan review of major</p>

<p style="text-align: right;">Page 138</p> <p>1 land development project for property located at 2 Victory Highway, further described as Assessor's 3 Plat 10, Lot 116, in a Planned District Zone. 4 Applicant seeks to construct 17 duplex 5 condominiums for a total of 34 residential units 6 restricted to 55 years and older. 7 Anything additional for the applicant? 8 MR. DEGRANGE: No. 9 THE CHAIRWOMAN: What's the pleasure of the 10 Board? 11 MS. FURNEY: If I can just make some general 12 statements. I know that Attorney Mancini asked us 13 or said that we should look at this as its own 14 unique development. But if that were the case, 15 many things would get constructed within the town 16 without any reference to what is surrounding it. I 17 mean, if we were looking at that to be a waste 18 incinerator, and not look that there's a 19 development directly abutting it, things like that 20 would get passed all the time. 21 So, of course, in looking at the proposed 22 density, and I know the Board was -- had concerns 23 about that whenever we had recommended denial the 24 first time back in April, and the fact that the 25 abutting neighbor, the Bella Vista development has</p>	<p style="text-align: right;">Page 140</p> <p>1 mean, the Bella Vista complex averages out, when 2 you look at the full 38 acres divided by the number 3 of units, basically, if you look at square footage, 4 it's 23,995 square feet per unit, where this 5 development is 14,733 square feet per unit. So 6 that is just about half, or double, put it that 7 way, double what the square footage allows, or the 8 square footage formula is for the abutting 9 property. 10 Now, we do look, and that, of course, is in our 11 Comp. Plan, that we are -- certainly the Town 12 Council did change the Comprehensive Plan Future 13 Land Use Map that we had addressed whenever we had 14 done the approval -- excuse me, the denial, that 15 because it didn't conform with the Comp. Plan 16 because the Comp. Plan was calling for one unit per 17 two acres. So they did change that to create a 18 Planned District to complement the Planned District 19 that is next door. This was changed -- of course, 20 this was part of that way back when as they were 21 going to initially use this as commercial, put a 22 recreational facility, or something like that. 23 Something that would service the development next 24 door. 25 But that changed over time, and certainly we</p>
<p style="text-align: right;">Page 139</p> <p>1 a density of 1.82 units per acre, this is more than 2 double, or just about double what the density is 3 there. 4 Now, we know that in the Planned District 5 regulations, that you're not really supposed to, or 6 we're not supposed to accept any applications that 7 are less than 25 acres. Now, I know that the 8 developer did go, or the attorney went to the Town 9 Council. And if I could just read something. In 10 the -- this is in the Zoning Code under P-District 11 definitions for Chapter 350-17, and this is 12 Standards and Requirements. And I do quote, No 13 P-District shall include less than 25 acres of 14 contiguous land unless the Planning Board and the 15 Town Council find that property of less acreage is 16 suitable as a P-District by virtue of its unique 17 historical character, topography, or land features. 18 Now, I know that the Town Council has 19 determined that it's a suitable location but we 20 never did. So it does not say that the Planning 21 Board or the Town Council, it says the Town Council 22 and the Town Council would both have to agree. 23 And so taking that into consideration, I 24 certainly would be open to maybe more discussion 25 with a decrease in the number of units as it -- I</p>	<p style="text-align: right;">Page 141</p> <p>1 would look at that that, yes, a Planned District 2 would be suitable for this, and a residential 3 change to the Future Land Use Map where they had 4 taken the commercial aspect out of it and changed 5 it to residential only. Certainly we could agree 6 with that, that was a good move, but the issue is 7 the density. 8 Bella Vista is 38 acres, this is 11. And it's 9 doubled, more than doubled what the density is for 10 the existing development. And that's what we look 11 at whenever we make decisions, land use decisions, 12 that we want the neighborhoods to be complementary 13 to each other and not something that would 14 potentially cause -- well, cause issues. We don't 15 know, we don't have a crystal ball. You don't know 16 what it's going to have any issues that will arise 17 in the future. But certainly with a development 18 like this, the development next door to it, has a, 19 you know, it's a circular design, there's 20 variations on setbacks and everything. These 21 basically, to me, in my opinion, looking at that, 22 they look like storage units. And this is not 23 something that I want to see as a development in 24 the Town of Gloucester where we find that, and we 25 pride ourselves in trying to create and keep a</p>

<p style="text-align: right;">Page 142</p> <p>1 rural aspect of the town.</p> <p>2 I think that using it as a residential duplex</p> <p>3 condominium set up for age 55 and older is</p> <p>4 excellent. But the whole issue is the density.</p> <p>5 And I would encourage that the developer, the</p> <p>6 owner, try to work with the Planning Board to come</p> <p>7 up with something that would make everybody happy</p> <p>8 and that will blend in with the rest of the area.</p> <p>9 MR. CALDERARA: One of the comments made in the</p> <p>10 Town Council hearings on the subject was that this</p> <p>11 project would not work with less density. So</p> <p>12 basically, they're saying, the contractor is saying</p> <p>13 he can't afford to build less units and get away</p> <p>14 with it. And, obviously, we don't know the</p> <p>15 finances, and we really don't care, because that's</p> <p>16 not our purview, but that seems to be the driving</p> <p>17 issue forcing this level of density. And the Town</p> <p>18 Council's interests is in the tax base going up,</p> <p>19 and the extra tax dollars on a development that</p> <p>20 does not tax the town much in any way.</p> <p>21 MS. FURNEY: The other point that I would like</p> <p>22 to make, and this is located in the Subdivision</p> <p>23 Regulations for the Town of Gloucester, it's in</p> <p>24 Chapter 30-7, Section D. And what it states is</p> <p>25 these are the general purposes of the Town of</p>	<p style="text-align: right;">Page 144</p> <p>1 recreation, natural and cultural resources,</p> <p>2 circulation and economic development.</p> <p>3 So certainly this would, as I mentioned before,</p> <p>4 encourage residential. It's something that would</p> <p>5 blend in and be in character with what is the</p> <p>6 abutting lot right next door, as well as what's in</p> <p>7 the neighborhood. There are other single-family</p> <p>8 residential lots in the neighborhood.</p> <p>9 MR. CALDERARA: I agree with that, if that</p> <p>10 helps.</p> <p>11 THE CHAIRWOMAN: So what is the pleasure of the</p> <p>12 Board at this point, given the guidance that we</p> <p>13 were given upfront by the solicitor, and what do we</p> <p>14 feel then that the no sign of negative</p> <p>15 environmental impacts. I'll read it directly.</p> <p>16 That there will be no significant negative</p> <p>17 environmental impacts from the proposed development</p> <p>18 as shown on the Final Plan, with all required</p> <p>19 conditions for approval. That was one. That the</p> <p>20 subdivision will not result in the recreation -- in</p> <p>21 the creation of individual lots with such physical</p> <p>22 constraints to develop that building on those lots</p> <p>23 according to pertinent regulations.</p> <p>24 MR. CALDERARA: I don't think we have any</p> <p>25 problem with those, I think our problem lies with</p>
<p style="text-align: right;">Page 143</p> <p>1 Gloucester Subdivision of Land Regulations, which</p> <p>2 reads, and I quote, Encourage design of land</p> <p>3 development projects and subdivisions which are</p> <p>4 well integrated with the surrounding neighborhoods,</p> <p>5 with regard to natural and built features and which</p> <p>6 concentrate development in areas which can best</p> <p>7 support intensive use by reason of natural</p> <p>8 characteristics and existing infrastructure.</p> <p>9 Now, there's no infrastructure on the site.</p> <p>10 Everything is going to be developed and installed.</p> <p>11 So that really doesn't qualify. The only thing</p> <p>12 that's there right now, of course, is an abandoned</p> <p>13 gravel pit.</p> <p>14 And as I mentioned before, certainly with</p> <p>15 discussions with the Planning Board, we would</p> <p>16 encourage that residential developments do take</p> <p>17 place here, but at a lesser density.</p> <p>18 And if I might even add one more thing, the</p> <p>19 proposal for the 34 units on 11 and a half acres is</p> <p>20 not really consistent with the land use goal, and</p> <p>21 that's goal number 1 of the Comprehensive Plan,</p> <p>22 which proposes to preserve, and I'll quote,</p> <p>23 Proposes to preserve the rural character of</p> <p>24 Gloucester for future generations while enhancing</p> <p>25 services and facilities, housing, open space and</p>	<p style="text-align: right;">Page 145</p> <p>1 the stipulation that the design is consistent with</p> <p>2 the Comprehensive Community Plan because the Town</p> <p>3 Council basically said it was. And we don't agree.</p> <p>4 Because the Town Council only took into account a</p> <p>5 single aspect of the conformance, and that was that</p> <p>6 the Future Land Use Map was updated to agree with</p> <p>7 the proposed use of a residential P-District. It</p> <p>8 did not consider the concept of maintaining rural</p> <p>9 character. And I personally -- my interpretation</p> <p>10 of rural character is not 17 units stuck on 11</p> <p>11 acres.</p> <p>12 One of the attractions of Bella Vista from my</p> <p>13 point of view when we were discussing that was that</p> <p>14 it's fundamentally invisible to the town. Somebody</p> <p>15 driving by 98, they see the opening, but they don't</p> <p>16 see a big open development full of houses. They</p> <p>17 just see a little bit and you don't see anything</p> <p>18 from 102. People on Cross Street may get some view</p> <p>19 of it, but basically, people driving through the</p> <p>20 town do not see a large development. So that, to</p> <p>21 me, was attractive because it's not detracting from</p> <p>22 the rural character by showing a bunch of houses in</p> <p>23 a single place. And I don't believe that this</p> <p>24 development will satisfy that. I think the ones on</p> <p>25 the north may be more or less hidden, but down to</p>

<p style="text-align: right;">Page 146</p> <p>1 the south, the land tapers away. You're going to 2 see the whole row of units stacked on top of one 3 another. So my perspective, that's not consistent 4 with the Comp. Plan's notion of rural development. 5 THE CHAIRWOMAN: I would ask the solicitor, the 6 first thing that Lynn read about the Planned 7 District and the requirement that if it's approved 8 by the Council and the Planning Board, is there any 9 way to that for us? 10 MR. IGLIOZZI: I would say no because of two 11 reasons. One, as a general principal in law that a 12 specific law takes precedent over general 13 provisional law. If the Council was aware of that 14 glitch that you mentioned, they just would have 15 included in their change of the zone that this 16 specifically excludes that. So never -- the 17 Council has approved it PD plan, irregardless of 18 the Planning Board, and whether you like it or not, 19 they could do it the way they did it, or they could 20 have another hearing and do it -- they don't need 21 to because they made a specific PD plan. They're 22 the ones that made that provision that you're 23 reading. They make the Zoning Code that you 24 follow, so when they make a decision on either of 25 those things, it's their -- in this particular</p>	<p style="text-align: right;">Page 148</p> <p>1 Council was for residential up to three units per 2 acre. And up to. And so they went for 2.95 to 3 just fall underneath what the limits of the 4 decision was. Now, up to 3.95, up to three units 5 per acre, certainly could mean less. And as I 6 mentioned, we'd be willing to negotiate with the 7 developer as to a reduced unit, something with a 8 little bit better design instead of a row of 9 storage units in a residential area that abuts a 10 very nice home right next door, and come to an 11 agreement. 12 I mean, I would be willing to postpone this and 13 to recommend a table in order to see what the 14 developer would like to discuss with us. And I 15 would be prepared right now to make a 16 recommendation of denial based on everything that I 17 had mentioned earlier. 18 THE CHAIRWOMAN: We've already tried to work 19 with the developer and asked for the same density. 20 If you remember early on, we asked the developer to 21 go back and come back with a density no greater 22 than that. 23 MR. CLIFFORD: They came back with the same 24 plan. 25 THE CHAIRWOMAN: They came back with the same</p>
<p style="text-align: right;">Page 147</p> <p>1 case, the applicant asked for a specific PD plan 2 and it was granted by the Council. 3 So I would caution the Board, but the Board can 4 do what it wants, I would not -- I would strongly 5 recommend that you do not base your decision on 1 6 and 2. And I think that, in all due respect, is 7 going to be an easy obstacle for the applicant to 8 overcome. 9 If I take Mr. Calderara's comments at his word 10 that the Board has nothing -- no problem with 3, 4, 11 and 5, I think the Board is in a difficult position 12 legally. That's the reality of the law in this 13 context, regardless of the fact that you disagree 14 with the Town Council. That's not the location 15 that you can overcome that. 16 MS. FURNEY: So if the Town Council saw this 17 plan, and I'm assuming they did, I mean, and 18 somebody who sits in this seat looking at that, 19 what do they see? I don't know, unfortunately, I 20 was not at the meeting, but if they realized what 21 the rest of all the other ordinances and the other 22 language in the Comp. Plan and everything else 23 plays into this, they may not have agreed with it. 24 Now, Attorney Mancini did mention, and we asked 25 for clarification, that the decision of the Town</p>	<p style="text-align: right;">Page 149</p> <p>1 plan, and then ultimately took out two triplexes 2 and made them duplexes. 3 MR. CLIFFORD: And made a look at the soil. As 4 a citizen and a board member, I see the use of our 5 soil not in character with Gloucester. I see 6 Cumberland, maybe, but I don't see this as being in 7 character with Gloucester. If I'm looking at this, 8 I moved from Cumberland to Gloucester to get away 9 from this type of look. So my view, I'm being 10 consistent with my views that I had when we first 11 looked at this. I see the same thing. I don't 12 really -- I understand what we have to look at from 13 the law, and I'm trying to take that into 14 perspective, and I'm not trying to -- 15 MR. CALDERARA: Excuse me. There was only one 16 councilman who addressed the issue at all, and that 17 was Councilman Steere did point out that he thought 18 that the density was a problem. 19 MR. CLIFFORD: I do, too. Our attorney is 20 telling us it doesn't matter what we think. 21 MR. IGLIOZZI: I wasn't trying to be 22 disrespectful. It wasn't any disrespect to the 23 Board, I just wouldn't want the Board and I 24 wouldn't want the public to see the Board make a 25 decision on the first two elements that I described</p>

<p style="text-align: right;">Page 150</p> <p>1 that the Council has made the law, so I'm just 2 giving them legal advice.</p> <p>3 THE CHAIRWOMAN: Because we don't have legal 4 standing.</p> <p>5 MR. IGLIOZZI: On those two issues. And if you 6 make the decision on the same two issues that you 7 made originally that was reversed by the Council, 8 you're making it very easy for the applicant to 9 reverse it again. That's my only point. It's not 10 any disrespect to your feelings or your concerns, 11 and the public, I want them to know that. I have 12 the utmost respect for the Board. But I'm just 13 reading the law to you.</p> <p>14 MR. CALDERARA: We have two choices. We either 15 accept the fait accompli and make a motion to 16 approve, or we make a motion to deny and make them 17 go to Court and overturn it. I mean, we can state 18 our position and make them reverse it on us, or we 19 can just bite the bullet, recognizing that we're 20 going to lose in the end. Well, maybe. It 21 depends, I guess.</p> <p>22 MR. IGLIOZZI: Madam chair, I didn't hear -- 23 the next appeal is to the Zoning Board. I just 24 want everybody aware that that's the next step.</p> <p>25 THE CHAIRWOMAN: How about we feel comfortable</p>	<p style="text-align: right;">Page 152</p> <p>1 coming back again. Are we going to gain anything 2 and anything new?</p> <p>3 MR. DEGRANGE: We have the right motion, one 4 way or the other.</p> <p>5 MS. FURNEY: In regard to number 1 and A and B 6 on the required findings where it says the proposed 7 development is consistent with the Gloucester 8 Comprehensive Plan and/or has satisfactorily 9 addressed the issues where there may be 10 inconsistencies. And I've already mentioned the 11 inconsistency in the Comp. Plan and the land use 12 goal section. So that is one point that is not 13 incomplete. What it does comply with is the future 14 land use plan, which did change it from what it was 15 before to Planned District Residential. I agree 16 with that. But there are other issues now once 17 that is developed -- excuse me -- once that is 18 established, now the developments that come in that 19 utilize the Planned District, residential aspect of 20 a plan, then that's what we review and make a 21 decision on, whether or not it conforms to the rest 22 of the Comprehensive Plan or to any other issues in 23 our Subdivision Regulations or any other documents 24 that are involved. So I'm confident that I'm 25 denying.</p>
<p style="text-align: right;">Page 151</p> <p>1 with C or 3? Three is the no significant negative 2 environmental impact from the proposed development 3 as shown on the Final Plan. That's the findings 4 that we have to do for this motion in favor of or 5 not.</p> <p>6 MR. DEGRANGE: Environmental is a broad term.</p> <p>7 MR. CALDERARA: What's your environmental 8 impact.</p> <p>9 THE CHAIRWOMAN: The testimony before us, 10 whether to show that it wouldn't have a negative 11 impact.</p> <p>12 MR. CALDERARA: Whether you could constitute 13 rural character and visual pollution as an 14 environmental concern.</p> <p>15 THE CHAIRWOMAN: So if the Board is inclined to 16 do a negative, yeah, to deny, then we need to have 17 the evidence to -- prepared to have evidence.</p> <p>18 MR. DEGRANGE: Quite frankly, do we feel that 19 we have, as a Board, that we have everything to 20 come up with a motion this evening?</p> <p>21 MR. CALDERARA: We're not creating lots that 22 are suitable. We're not creating lots.</p> <p>23 THE CHAIRWOMAN: If we table tonight, we're 24 kicking the can down the road, and there's 41 days 25 left before a decision has to be made, so it's just</p>	<p style="text-align: right;">Page 153</p> <p>1 THE CHAIRWOMAN: I will entertain a motion.</p> <p>2 MS. FURNEY: I will make a motion to deny the 3 combined Master Preliminary Plan of a Major Land 4 Development project titled Land Development 5 Submission, Overlook Ridge prepared by Nick 6 Piampiano, Advanced Civil Design, Incorporated, 7 dated July 2021, revised October 2021, Pages C1, 3, 8 7 and 8, and revised December 21, 2022, Pages 2, 4, 9 5, 6, for property located on Victory Highway 10 Route 102, Assessor's Plat 10, Lot 116.</p> <p>11 In making this decision, the Board has 12 considered the following: The Certificate of 13 Completeness issued on February 7, 2022. Land 14 development submission Overlook Ridge prepared by 15 Nick Piampiano, Advanced Civil Design, Inc., dated 16 July 2021, revised October 21, 2021, Pages C1, 3, 7 17 and 8. And revised December 21, 2022, Pages 2, 4, 18 5, and 6.</p> <p>19 Thirdly, the Technical Review Committee Report 20 dated March 3, 2022.</p> <p>21 Fourth, testimony from the applicant and their 22 representatives as to public hearing on March 14, 23 2022.</p> <p>24 Fifth, testimony from the public at the public 25 hearing meeting.</p>

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1 Six, the project narrative and application
 2 materials submitted by Nicholas J. Piampiano with
 3 the Combined Master Preliminary Plan submission.
 4 In making this decision, the Board makes the
 5 following findings: The development proposes 34
 6 residential condominium units, each with two
 7 bedrooms to be located in 17 duplex units. At the
 8 April 12, 2021 meeting, the Planning Board
 9 conditionally denied the Master Plan for this
 10 application, citing that the land development
 11 project was not consistent with the Future Land Use
 12 Map of the Comprehensive Plan. The property is
 13 approximately 11.54 acres and is zoned Planned
 14 District Residential. The original Bella Vista
 15 Planned District contained two lots. Lot Number 1
 16 on Assessor's Plat 10, Lot Number 106, which was
 17 38.5 acres. And that contained 70 age-restricted
 18 condos, which are constructed.
 19 Also in Lot 2, Assessor's Plat 10, Lot 116,
 20 11.54 acres, was designated for commercial
 21 development. At the May 20, 2021 meeting, the Town
 22 Council approved an amendment to the Comp. Plan
 23 Future Land Use Map, changing the designation of
 24 Assessor's Plat 10, Lot 116, to Planned District
 25 Overlook Ridge, density less than or equal to three

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1 units per acre.
 2 The proposed residential density for the
 3 proposed Planned District is 2.95 units per acre,
 4 which is 34 units on 11.54 acres.
 5 At the May 20, 2021 meeting the Town Council
 6 approved the rezoning of Assessor's Plat 10,
 7 Lot 116, the Planned District Residential. The
 8 rezoning included the condition that the
 9 development include at least five affordable units.
 10 The development as submitted contains five
 11 affordable units. If no freshwater wetlands and/or
 12 wetland buffers are present on the development
 13 parcels, an affidavit signed by a wetlands
 14 biologist, a registered professional surveyor, or a
 15 registered landscape architect stating that there
 16 are no freshwater wetlands and/or buffer areas
 17 within the development parcels.
 18 The applicant submitted a letter dated
 19 November 29, 2021, signed by Edward J. Avizinis, a
 20 certified wetlands biologist, that there are no
 21 wetlands present on the property, or within close
 22 proximity to the property.
 23 Number 8, Section 300-31(b)(2) of the Gloucester
 24 Subdivision Regulations requires all developments
 25 to have at least two means of public street access

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1 to enter and exit the proposed development, unless
 2 the Planning Board determines that two means of
 3 public access are not possible and/or practical due
 4 to site orientation or physical condition.
 5 This development proposes one means of public
 6 street access to enter and exit the proposed
 7 development and two emergency access locations.
 8 Number 9, Section 350-17(i)(1) of the Zoning
 9 Ordinance states that, In areas where townhouses
 10 are used, there should be no more than five
 11 townhouse units in any contiguous group. A
 12 townhouse is defined as a single-family dwelling
 13 with no side yards between adjacent townhouses.
 14 The proposed development proposes 17 duplex units
 15 with two units in a contiguous group.
 16 Section 350-17(i)(2) of the Zoning Ordinance
 17 states that a variety of building setbacks, color,
 18 and building materials for contiguous townhouse
 19 units is encouraged. An average rear depth shall
 20 be a minimum of 25 feet where the lot does not abut
 21 a park or open space easement. A minimum side yard
 22 depth between the two end units or contiguous
 23 townhouse groups shall be a minimum of 80 feet plus
 24 five feet for each additional story over one story
 25 or the end units.

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1 The applicant proposes a minimum rear yard
 2 setback of 25 feet, and the applicant proposes
 3 80-foot minimum setbacks between buildings.
 4 Therefore, the Board makes the following
 5 conclusions based on the evidence outlined above,
 6 which is part of the record. The proposal for 34
 7 units on 11.5 acres is inconsistent with the land
 8 use Goal 1 of the Comprehensive Plan, which
 9 proposes to preserve the rural character of
 10 Gloucester for future generations while enhancing
 11 service and facilities, housing, open space and
 12 recreation, natural and cultural resources,
 13 circulation and economic development.
 14 And, secondly, the proposed development is in
 15 direct conflict with Chapter 300-7(d), general
 16 purposes of the Town of Gloucester Subdivision of
 17 Land Regulations, which reads, and I quote,
 18 Encourage design of land development projects and
 19 subdivisions which are well integrated with the
 20 surrounding neighborhood with regard to natural and
 21 built features, and which concentrates development
 22 in areas which can best support intensive use by
 23 reason of natural characteristics and existing
 24 infrastructure.
 25 MR. DEGRANGE: Second.

1 THE CHAIRWOMAN: We have a motion and a second.
2 All those in favor of the denial?
3 Aye.
4 MR. CLIFFORD: Aye.
5 MR. CALDERARA: Aye.
6 MS. FURNEY: Aye.
7 MR. DEGRANGE: Aye.
8 THE CHAIRWOMAN: All those opposed?
9 Motion carries.
10 (HEARING ADJOURNED AT 10:55 P.M.)
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1 C E R T I F I C A T I O N

2

3 I, Geraldine M. Meenan, hereby certify that I am
4 expressly approved as a person qualified and
5 authorized to take depositions/hearings pursuant to
6 Rules of Civil Procedure of the Superior Court of
7 Rhode Island, especially, but without restriction
8 thereto, under Rule 28 of said Rules; that the
9 transcript contains a true record of the
10 proceedings.

11

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 this 12th day of April 2022.

14

15

16

17

18 Geraldine M. Meenan, RPR, Notary Public

19 My commission expires 4/1/2024

20 Notary Public Number 26398

21

22

23

24

25

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