



Town of North Kingstown, Rhode Island

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NORTH KINGSTOWN PLANNING COMMISSION

November 21, 2017

The North Kingstown Planning Commission convened at Municipal Offices Court Room, 100 Fairway Dr., North Kingstown, RI

The following members were present:

Gardner Palmer, Jr. – Chairman
Paul Dion
Tracey McCue
Patrick Roach
James Grundy
Patricia Nickles

Also in attendance were Supervising Planner Maura Harrington, Town Solicitor Matt Callaghan and Solicitor Mark Hadden.

Final Plan Review and Decision: James Ferrara & Sons Inc. c/o Mr. Robert Carr of 121 Canton, MA 02021 for a proposed major land development project known as Wickford Woods, a proposed forty (40) unit condominium development being Assessor's Plat 116 Lot 88 located on Ten Rod Rd and Tower Hill Rd in a Planned Village District (PVD) zone with a portion of the lot located within the Groundwater Two (GW2) Overlay.

Mr. Palmer stated this agenda item was for discussion of the drafted final decision; he asked Commission members if they had any comments or questions on the draft.

Mr. Hadden said that he had heard there was some concern about the proposed gate (located in the wall which lies between the subject property and St. Bernard Church.

Mr. John Gibbons came forward. He said he was there on behalf of the church. He read a letter written by the parish priest. The church has legal concerns; there is no lighting in this area and it is not plowed in the winter. The church does not want their property to become a cut-through or right of way. He wanted to make the point that the church was not totally against the idea, they just want time to talk with their insurance company about any liabilities they might take on if the gate is installed.

Mr. Hadden added that the gate is proposed between the two properties; it should not weigh on the Commission's approval of the decision.

Mr. Grundy said that the gate was suggested; it was never proposed as a right-of-way. He suggested that the gate be installed but screwed shut-if the two parties reach agreement the screws are easy enough to take out. The plan would not need to be changed; the Commission could vote tonight.

Mr. Roach added that the gate was proposed for connectivity when it was unclear the pathway to Dave's Market would be allowed.

Mr. Robert Carr, the applicant agreed with Ms. Harrington; he added that he was totally agreeable to installing and screwing the gate.

Mr. Palmer asked if there was any further comment; there was not so he called for a motion.

Mr. Grundy moved to approve the decision as written. The gate proposed between the church property and the applicant's property will be fixed at this point but could be un-fixed by mutual agreement between the two parties with no further action needed by this Commission.

Mr. Roach seconded. Mr. Palmer, Mr. Roach, Mr. Grundy, Ms. Nickles and Ms. McCue voted aye. Mr. Dion abstained. The motion carried 5-0-1.

Mr. Hadden left the meeting at this time – Mr. Callaghan joined the meeting.

Development Plan Review application: Application of Rhode Island Organic Farmer Training Facility for a proposed demonstration farm and training facility located at 140 Exeter Road, AP 59 Lot 3, zoned Rural Residential (RR) and located within a Groundwater One Overlay (GW1)

Mr. Lacey gave a summary of the proposed project. The project is a proposed demonstration farm and organic farming training facility. The property is located a 140 Exeter Rd., zoned Rural Residential (RR)- agricultural a use is allowed by ordinance. The town purchased the development rights from the original property owner. The farm will organically grow vegetables, herbs, and flowers; ancillary to this, there will be an apprentice program providing on-site training. The operators anticipate 3-6 full-time

employees. Three new farm buildings are proposed; 28 parking spaces; and, improvement of the street-driveway entrance/exit. A new well and septic system will be installed; preliminary approval has been granted by RI DEM for the septic system.

Mr. Palmer asked Commission members if they had questions for staff.

Mr. Dion asked about Fire Marshal comments about addressing each building. The buildings are located at the end of a long driveway.

Mr. Grundy said the Assessor will probably determine an address number Exeter Rd and then address individual buildings A, B C, so forth.

Mr. Roach added the Fire Marshal's comment for the need for compacted driveway; is that per ordinance.

Mr. Lacey responded that he assumes both comments pertain to fire codes; the fire apparatus has to be able to travel down the driveway. Address numbering is required per life safety code.

Mr. Dion asked about the proposed well and what looks on the plan like a water extension.

Mr. Dion questioned fertilizer use and machinery repair. The property is located within Groundwater One area.

Mr. Lacey responded that these questions would be answered better by the applicant and/or Water Director Sue Licardi. He added that he does know as part of the business plan machine repair will be done on site.

Ms. Nickles asked if any retail sales will take place on the premises.

Mr. Lacey answered that is not the plan at this time.

Mr. Grundy asked if the Development Rights documents limit building number or size.

Mr. Lacey seems to remember the documents limiting building size. He said during staff review of the documents no conflict was found.

Mr. Callaghan said after looking at the deed, 10% of land area may be used and a limitation on only one dwelling. This plan accommodates that stipulation.

Ms. Nickles asked if this project could be considered as a farm school. Is there tuition paid?

Mr. Lacey said staff discussed the property use with the Town Solicitor; it was determined that while there will be educational opportunities in place; the main use still remains agricultural. Mr. Lacey said the determining factor was the applicant's submitted business plan.

At this point, the applicant(s) came forward with a presentation. They introduced themselves as:

David DeFrancesco, the farm manager; Sergio Cherenzia, project engineer; Christian Roberge, Head of Marketing; Rick Pace, treasurer of the RIPEN organization; and, John Racine, project architect.

Mr. Pace stated that this project is being done in collaboration with the US Department of Agriculture. He wanted the Commission to know that the USDA, as well as the US IRS does not consider this project as a school. The organization has no structured tuition plan; the purpose is to develop farm entrepreneurs and work along with practicing farmers.

Mr. Dion asked if there would be overnight accommodations.

Mr. Pace responded no.

Mr. Grundy asked if all products would be grown on site or would there be any product brought in for processing.

Mr. DeFrancesco said all products will be grown on site.

Mr. Cherenzia gave a presentation of the project. The intent is to build a farm training facility; an apprentice program. The emphasis will be on crops grown organically, locally and sustainable, taking into consideration economic viability.

The existing land is mostly open space; access will be through driveways from Exeter Rd.

He said the property is located within the aquifer protection area, as such careful consideration was paid to stormwater regulations to be sure there is not too much nitrate loading on site. Wells (both irrigation and potable) are needed.

The plan calls for three buildings; a greenhouse, a flower shop and a farm building.

Gravel parking areas are planned. This plan is one of the lightest intensity uses that could happen on the site. An infiltration basin is planned at the southern portion of the site.

The use will occupy only about 2-1/2 acres of the almost 18 acre site; well within the 10% lot coverage discussed regarding the development rights deed.

The septic plan utilizes a state of the art system – a Norweco Singular 1500 GPD waste water system. Mr. Cherenzia added that the system is actually over-designed, meaning over what RI DEM would require.

There will be no use of pesticides or synthetic fertilizer.

The applicant(s) have obtained a RI Pollutant Discharge Elimination System (RIPDES) permit; all other state permitting (except the PAP, but no problems anticipated) has been obtained. The application for wells has been submitted to the Department of Health – the plan shows the wells located well over the 200' setback requirement from any septic and/or infiltration system; approval is expected soon. All electrical will be underground.

As requested the lighting specifications have been submitted to the Commission.

Lighting will be minimal and dark sky compliant.

Day to day operation hours will be only until 5:00 or 6:00PM.

Mr. Grundy made note of a previous approval granted by this Commission for the installation of a farm pond. The pond was never installed; gravel was dug/taken/sold from this property. There is an enormous 30' hole in the ground at the site, while he understands this is an inherited issue for these new owners, he would like some resolution. Towne ordinance is 5:1 sloping on any man-made excavation.

Mr. Cherenzia responds that to bring the slope into Town standard will be very difficult; it would involve making the hole wider to lessen slope. He asked if there was some understanding the Town and the applicant could arrive at to alleviate this problem.

Mr. Grundy stated that every other development has been held to this 5:1 slope standard; how does this Commission reconcile this project not meeting ordinance. He added that this could become a consistency issue. He said again that he understands these applicants did not cause the problem but he believes there should be resolution before the Commission considers this application. He would like to hear from the Town Engineer on her take on this excavated pit.

Mr. Pace said that RIPEN is partnered with USDA Natural Resource Conservation Service (NRCS) who reviewed this site; all met and discussed a restoration plan for this area. The plan has not been completed but all are in agreement that this is a situation that needs to be rectified.

Mr. Lacey said that perhaps the Town Engineer can weigh in on this, but that would mean continuing the application.

Mr. Grundy said that he does not think this can be decided tonight; too many open-ended concerns.

Mr. Pace said that he would look into working with USDA NRCS to restore the area-this would help with funding the restoration.

Mr. Cherenzia asked if the Commission has the capability of waiving the 5:1 sloping or grant approval conditioned upon the eventual restoration of the problem.

Mr. Callaghan said that this is an attractive project; it would be great to move forward. He encouraged the Commission to use some innovative ways to move it forward. It sounds like the applicants are planning a restoration plan; perhaps approval could be approved with conditioned timeframes.

Mr. Grundy agreed that this is a great project. If it is possible to condition approval for years out, he would be OK with that.

Mr. Palmer said that he would like to hear from the Town Engineer before making or allowing these conditions. He asked if other Commission members felt the same. The majority of members agreed.

Mr. Grundy asked about existing water lines shown on the plan.

Mr. Cherenzio answered that they are private lines; to the best of his knowledge, the lines were installed by a previous owner and are not tied to the municipal service.

Mr. Grundy asked about distance to nearest fire hydrant; he did not see any comments from the fire marshal about the installation of cisterns.

Mr. Cherenzio said they have not heard back from the fire marshal on this.

Mr. Lacey said that it is not required the Fire Marshal comment on this at this phase.

Mr. Grundy said that he wants any compactors used on site to use vegetable or food grade oil. He asked if there would be any fuel stored on site.

No. There would be small tanks brought on site and stored.

Mr. Dion asked about onsite machinery repair and maintenance.

Mr. Roach and Mr. Grundy note that it may be safer to install a permanent fuel tank (leakage).

At this point, the project architect came forward and gave a brief presentation on the proposed buildings. There will be three buildings.

The first building is considered the main building; it will house tractor and equipment storage; a locker room; and processing area. The building is designed to fit into the area (spatially and aesthetically); single story; slab on grade; wood structure. There will be no floor drains or bulk storage of fuel. The plan is to use this building also for very minor machinery and equipment repair and maintenance.

The second building is to be used as a flower shop/showroom. The shop/showroom will contain a walk-in cooler, restroom production work space and flower display making area. This building will also be constructed of wood frame, wood siding, asphalt roof shingles; residential scale; double hung windows. The third building will be a greenhouse (standard steel-framed glass greenhouse); it will be 2000 sq. ft. and 12' tall.

Mr. Dion was curious whether marijuana is a planned crop.

All project team members insisted in no way will the facility be used for that purpose.

Ms. Harrington added that the Zoning Ordinance will not allow that use anyway.

Mr. Palmer asked about signage.

None is planned at this time.

Ms. Harrington said that signage is not supported in this zone, so any request for signage would require Zoning Board approval.

Mr. Dion again asked about lighting. He wants to be sure that the lighting will not be excessive, especially in this area.

Mr. Grundy said that because the Commission wants to hear from the Town Engineer before approval; the applicants could present specifications (cut sheet) on lighting they request.

Mr. Palmer noted there was a lighting legend within the plans.

The applicant(s) are fine with presenting a cut sheet, along with proof that they meet the 90 degree cut off.

Mr. Palmer told the applicants that the Commission is saying that they are flexible to the plan, but would like to hear from the Town Engineer before a vote. The item will be continued. He suggested that the applicants get together with the Town Engineer to come to agreeable standards. The Commission would be glad to hear it as soon as possible; they agree on December 19.

Mr. Palmer thanked them.

Minutes: September 19, 2017

Mr. Palmer called for a motion to approve the September 19, 2017 Planning Commission meeting minutes.

Mr. Roach moved. Ms. McCue seconded. Mr. Palmer, Mr. Dion, Mr. Roach, Ms. Nickles and Ms. McCue voted aye. Mr. Grundy abstained – he was not at the meeting.

The minutes were accepted into record.

Adjournment

Mr. Palmer entertained a motion to adjourn.

Mr. Grundy moved. Mr. Dion seconded. All voted aye. The meeting was adjourned at 9:15PM.

Beth Gagnon-Glasberg

Recording Secretary