

**Kendall Dean School, 83 Greene Street**

**Present: Dr. Lucien Benoit, John O'Donnell, Ed Magill, Joe Cardello, John Flaherty, John Czyzewicz. Also present were Town Planner Michael Phillips and Assistant Solicitor Bob Rossi. Absent: Bruce Santa Anna**

**Dr. Benoit called the meeting to order at 7:02 p.m.**

### **I. Reorganization of Planning Board**

**Mr. Phillips asked for nominations for Chairman.**

**Mr. O'Donnell made a motion to nominate Mr. Cardello as chair. Mr. Magill seconded the motion.**

**Mr. Phillips asked if there were any other nominations for Chairman. No other nominations were made.**

**Ayes were unanimous in favor of the nomination of Mr. Cardello for Chairman.**

**Mr. Cardello asked for nominations for Vice Chairman. Mr. Magill made a motion to nominate Mr. Santa Anna as vice chair. Mr. O'Donnell seconded the motion, with all in favor.**

**Dr. Benoit made a motion to nominate Mr. O'Donnell as secretary. Mr. Magill seconded the motion, with all in favor.**

## **II. Approval of Minutes – August 3, 2006**

**The Board reviewed the minutes of August 3, 2006. Some minor corrections were addressed. Mr. Magill made a motion to accept the minutes as corrected. Mr. Czyzewicz seconded the motion, with all in favor.**

## **III. High Rock Condominiums--Preliminary Plan Public Hearing Major Land Development Project**

**Applicant: Blackstone Smithfield Corporation; Location: Butler Street, Plat 3, Lots 2 & 2A; Zoning: M (Manufacturing District)**

**Attorney John Mancini was present for the applicant. Mr. Mancini reviewed the history of the project with the Board. The applicant had previously appeared before the Board in July, September, and October 2006. On October 5, 2006, the Planning Board voted to approve the Master Plan. On November 14, 2006, the Zoning Board of Review approved a Special Use Permit for the applicant. Mr. Mancini distributed copies of the Zoning Board decision, which was labeled exhibit P1. Mr. Mancini also informed the Board that the applicant had received a RIPDES permit from DEM on December 22, 2006 (exhibit P2).**

**Dr. Benoit asked how and when the existing wastewater system is being removed. Mr. Herb Ingram responded that the DEM order requires that the system be abandoned by March 31, 2007. A permanent pumping station will be functioning by the end of March**

**2007. At this time, they**

**are waiting for a part to be built. The old system will be torn down, oil tanks will be removed, and the area will be filled in. A demolition contract has been signed, and demolition will begin around February 1, 2007.**

**Landscape architect George Gifford gave a summary of the planned landscaping of the site. Mr. Gifford stated that the canopy cover was the most important element of the landscaping plan. He has focused on parking areas, planting a strong tree canopy cover with a considerable amount shade, which will bring down the scale of the building. Extensive planting is planned around the base of the building. Outdoor sitting areas have been added along the north side of the building. Mr. Magill asked what access is available to the walking trails, including parking area for the public. Mr. Mancini stated that the DEM has put in public parking for the walking trails at the end of County Street. Mr. Magill asked who is responsible for maintaining the trails. Mr. Mancini stated that the condo association would arrange for part of the maintenance, and Armen Harootian stated that the DEM is responsible for the rest.**

**Mr. Cardello asked if the DEM property and Blackstone River were accessible from this property. Mr. Harootian responded that both are accessible. The walking trails lead to the river. Mr. Cardello asked if there is boat access from this property. Mr. Harootian stated that**

boat access is on DEM property; there is no boat access from this property.

Dr. Benoit asked if the plants and trees around the parking areas were chosen to be resistant to the sanding and salting that may take place in the parking lot. Mr. Gifford replied that deciduous plants in general are not subject to damage from salt, as it does not stick to the plant. Mr. Cardello suggested using special chemicals to minimize the use of salt, and as a result, keep salt out of the river. Mr. Mark Ingram stated they currently use a premixed product that has a low percentage of salt, which they will continue to use. He added that the plans are to cut the grade of the parking area to prevent slipping and reduce the need for sand or salt.

Mr. O'Donnell asked Mr. Gifford if the lawn area would require use of fertilizers or additives. Mr. Gifford stated that the open areas were planned as field grass, not manicured lawn; therefore there are no plans for maintenance that would require the use of any fertilizers.

Engineer Paul Gadoury gave a brief overview of the drainage system, which is the same system presented at the Master Plan meeting on September 21, 2006. Mr. Cardello pointed out that only the new catch basins have oil/water separators and suggested providing the separators in the existing catch basins as well. Mr. Herb Ingram stated that they will do this. Mr. Cardello stated that he would like to see it put on the plan before Final. He also stated that as a condition

to Final approval, he would like to have an annual report submitted to the Town Planner stating that the drainage systems are being maintained, inspected, and functioning properly.

Traffic engineer Robert Clinton review the traffic impact and access study. Again, these plans are the same as originally presented at the September 21, 2006 meeting. Mr. Czyzewicz asked if there will be any increase in truck traffic. Mr. Clinton stated that with the improvements to Butler Street, there will actually be a reduction in truck traffic. In response to Mr. Cardello's question, Mr. Clinton stated that there is no need for signalization.

Dr. Benoit asked if any representatives from the Town of Blackstone were present at the meeting and if they had been notified. No representatives from Blackstone were present, but Mr. Phillips stated that notice had been sent to both the Blackstone Planning Board and Board of Selectmen. Mr. Mancini also stated that they had been in contact with the Town of Blackstone and they are fully aware of all proceedings.

Attorney Daniel Doyle addressed the Board about the sewer and water connections with Blackstone. With regard to sewer, the applicant has paid the Town of Blackstone for a study on the infrastructure of the sewer system, an infiltration and inflow study, and has paid for sewer connection. He then addressed the water situation. Currently the site has water, provided by Blackstone.

**There is a policy in Blackstone that service to customers outside of Blackstone must be voted on at a town meeting. However, Mr. Doyle stated that there is no retroactive law. Therefore, since the site has water now, has consistently been provided with water since 1938, and the use has not changed, there is no reason for it to go before a town meeting vote. Mr. Cardello asked Mr. Phillips for his comments on the water issue. Mr. Phillips stated that the site has a water source now, it seems to satisfy the project checklist and Mr. Doyle's argument seems reasonable that they can not be denied water. However, the body that controls the water has indicated that water may not be available. Mr. Cardello asked Mr. Rossi if there is a chance that the site will not have water. Mr. Rossi stated that there is that chance, but we don't know how great the possibility is at this point. Mr. Rossi asked Mr. Doyle what position the Town of Blackstone is taking on this issue. Mr. Doyle stated that Blackstone would have to send notice that the water service will be shut down, but they have not yet done so. Mr. Doyle stated that if this were to happen, he feels that the applicant's chances of prevailing against the Town of Blackstone are great. Mr. Doyle stated that it would be arbitrary and capricious to shut off this water supply, yet continue to supply water to a number of customers in Woonsocket and Bellingham.**

**Mr. Cardello asked if North Smithfield would have to provide water if Blackstone shut them off. Mr. Mancini stated that at this time, the applicant meets the checklist of having water. He said there are many**

arguments against Blackstone shutting off their water. Mr. Cardello asked if the fire protection water service is self-contained, to which Mr. Mancini responded that it is.

Mr. Magill stated that he would like to obtain assurances from Blackstone that they are going to continue to provide water to the property. Mr. Rossi responded that since Blackstone has not made a final decision, it is an open question as to whether or not they will continue to have a water supply. Mr. O'Donnell asked where Blackstone is now in the process in bringing this matter before the town. Mr. Doyle stated that at this point, the selectmen are debating about whether the matter should be brought before a town meeting. There may not be a decision made before the next election.

Mr. Flaherty asked if they anticipate an increase in the volume of water usage. Mr. Doyle stated that it would increase because at this time, the building is basically empty. The estimation is that the volume will be about 16,000-18,000 gallons. However, at times in the past, the volume of water usage was 25,000-30,000 gallons. Mr. Flaherty also asked if there is an alternative plan in place so they will be prepared for the worst-case scenario. Mr. Ingram stated that if there is an alternative plan in place, Blackstone would use that as a reason to put the matter before a town meeting, which is what they are trying to avoid.

Mr. Cardello asked Tim O'Connor, environmental engineer, to speak

about any soil issues. Mr. Mancini stated that there are no issues pertaining to contaminated soil. Mr. O'Connor stated that there was some contaminated soil under the machine shop, but the building has been demolished and the contaminated soil (approximately 7 cubic yards) has been dug up and will be disposed. They are working with DEM and any remaining issues are routine and treatable.

The meeting was opened up to public comment at 8:47 p.m., but no one spoke before the Board. The public hearing closed at 8:50 p.m.

Mr. Mancini stated that he could resolve the water issue by way of a letter presented at the February 1, 2007 meeting, which will state that there is water present on the site. Dr. Benoit requested that the letter be distributed prior to the meeting to give all Board members ample time to review the letter.

Dr. Benoit made a motion to continue the Preliminary hearing until February 1, 2007. Mr. O'Donnell seconded the motion, with all in favor.

#### **IV. Planning Board Issues & Concerns**

Mr. Phillips provided an overview of the Waste Water Management Plan that is contained in the draft Waste Water Facilities Plan. There was discussion of the wastewater management district. The primary topic of discussion was the ordinance and whether it should require the elimination of cesspools or just require inspection and periodic

**pumping. Mr. Phillips indicated that he would be working with the consultant to finalize the draft and will need to have input from the Board as to what the ordinance might look like.**

**V. Mr. Magill made a motion to adjourn at 9:50, seconded by Mr. Cardello, with all in favor.**

**Respectfully submitted,**

**Angela Pugliese, Planning Board Secretary**