

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

The Chair called the meeting to order at 7:30 pm.

I. Approval of Minutes – October 18, November 1 & 15, 2007

The following members voted on the approval of minutes: Mr. Cardello, Dr. Benoit, Mr. Santa Anna. Mr. Flaherty was not present for the vote.

Dr. Benoit made a motion to approve the minutes of October 18, 2007, with minor corrections. Mr. Santa Anna seconded the motion, with all in favor.

Dr. Benoit made a motion to approve the minutes of November 1, 2007. Mr. Santa Anna seconded the motion, with all in favor.

Dr. Benoit made a motion to approve the minutes of November 15, 2007. Mr. Santa Anna seconded the motion, with all in favor.

II. Development Plan Review

Applicant: Grapevine Landscape Service, Inc.

Location: 1184 Providence Pike – (former Quinn's Transmission building)

Assessor's Plat 11 Lot 225;

Zoning: RA-65 Rural Agriculture

Present for the applicant were attorney Aram Jarret, project manager Erin Gallogly of Marc Nyberg and Associates, and owner Paul Pasquariello. Ms. Gallogly submitted a stamped copy of the landscape architect plan, sheets 1 & 2. The previously submitted plans were not stamped. Also submitted was a traffic report from PARE Corporation. Ms. Gallogly informed the Board that a special use permit had been granted by the Zoning Board of Review on December 4, 2007. The decision has not been recorded. Ms. Gallogly gave an overview of the site to the Board. The existing building will remain. The gravel area is overgrown, but will be cleaned up and become a one-way turnaround, as recommended by PARE. The current office portion of the building will be used for nursery sales. Most of the building will be used for storage. There are two parking spaces in back for the employees' trucks. There is a concrete pad and dumpster with a chain link fence. Plantings will be added to screen this area. Screening will be added between the abutting residences and the site. The owner will be providing screening for one abutter on the abutter's property. A letter has been submitted by that property owner, stating he is in agreement with the screening. There is also a nursery stock area shown on the plan.

Dr. Benoit asked about the cesspool on the property and its location in relation to the abutting properties' wells. He asked the applicant to

have a soil suitability test conducted to assure that the existing cesspool is functioning properly and to show that the property is suitable for a new system if replacement is necessary in the future.

The Chair asked that the owner add signage to the parking area to show that it is a one way access. He also told the applicant to be sure the parking area is ADA-compliant for handicapped parking.

Dr. Benoit asked about the proposed signage for the business. Ms. Gallogly presented a picture of the type of sign planned by the owner. It will not increase in size from the present sign at the business. Dr. Benoit told the applicant to be sure that if the new sign is placed lower to the ground, that it does not obstruct the sight line for drivers exiting the property.

Mr. Phillips stated that the Zoning Board did not require screening for the abutting neighbors, but perhaps some evergreen planting should be added on the south line. He also asked if an easement agreement would be formalized with the abutter to be sure that the screening plantings are maintained and not removed. Ms. Gallogly stated that the only place to add the screening is on the abutter's property because the driveway runs along the property line. The owner has agreed to maintain the plantings. Dr. Benoit stated that a formalized agreement is not necessary, because if the abutting property owner decides to take them down, then it's their responsibility. The Chair also stated that he does not believe the owner should be responsible

for maintenance on the plantings. The Chair asked about the screening on the southerly side of the property. Mr. Phillips stated that the screening is pretty thin, but he has not heard from the property owners indicating they wanted screening. Dr. Benoit stated that the business owner should not be compelled to provide screening, but that he can work it out with the abutting neighbors on their own.

Dr. Benoit made a motion to table the discussion until the next meeting, when the applicant returns before the Board with more information. The Chair seconded the motion. The Chair stated that there may not be a quorum for the December 20 meeting. He stated that for the next meeting, he would like the applicant to submit a soil suitability test, test of the well on the property that shows that it is not contaminated, location of abutters' septic system and wells (or at least show that they are not within 100 feet of the property's well and septic system), plans for traffic signage, and information that the building is ADA-compliant and handicapped accessible.

Mr. Phillips stated that the applicant did not have to come to the next meeting if all the requested information is not ready in time. The motion and the second were retracted. The Chair stated that the application would be heard again when the applicant informs the planner that all requested information has been submitted. Dr. Benoit made a motion that the matter be continued until the applicant had all requested information prepared. The Chair seconded the motion,

with all in favor.

III. Ordinance Review

a. Sign Ordinance

Mr. Phillips informed the Board that the town's consultants have reviewed the proposed sign ordinance revisions in their entirety. The consultants will be meeting with the Ordinance Review Committee on December 19 and will have a draft prepared to review at that time. There is nothing additional at this time. The Board will discuss when they have a draft (at the next meeting).

b. Municipal Subsidy Ordinance – Low & Moderate Income Housing

Mr. Phillips started a discussion on a municipal subsidy ordinance. The state requires subsidies in order for low/mod housing to count, however they are vague as to what a subsidy is and how much is sufficient. Other towns have adopted ordinances to state what constitutes a subsidy. With regard to mill projects, internal subsidies (selling lower than market rate) are absorbed by the developer. Mr. Phillips has obtained drafts from Burrillville and Hopkinton, forwarded by Rhode Island Housing. He stated that nothing is currently in place in the town's ordinance regarding subsidies. The town is negotiating with Slatersville Mill and the Tupperware mill project regarding internal subsidies.

The Chair stated that the Board would revisit the issue in January.

IV. Rock Cliff Farms – Referral from Town Council

Determination on Correct Location and Phase of Office Building

Mr. Phillips stated that at a recent Town Council meeting, questions were asked about the location and phasing of the office building at Rockcliff Farms. Mr. Phillips reviewed the file and found that the office building was planned for the northern side of the access road, closest to Dowling Village, causing traffic concerns along 146A. Therefore the office building's location was shifted to the southern side of the access road. This change was part of the approved set of plans. Mr. Phillips stated that there is room at this location and it is an appropriate site.

As for the phasing, Mr. Phillips stated that the overall development was approved as one project, not a phased plan. The developer chose the phasing. He stated that the minutes of the meetings do not reflect any discussion of phasing. Dr. Benoit stated that he recalls that the project was originally just multi-family housing, but that the mixed use zone required the office. Mr. Phillips stated that he recalls that the office building was always part of the plans. Mr. Flaherty stated that he recalls the office building as being a very small component of the overall project. The Chair asked if the Board had any authority over when the building should go in. Mr. Rossi stated that authority lies within the Zoning Ordinance. The Chair asked if the bond could be called in if the office building is not constructed. Mr. Rossi stated that as long as construction is ongoing, the special

use permit will not expire. Mr. Phillips stated that the town cannot step in at this point because they haven't stopped building yet.

Dr. Benoit made a motion that Mr. Phillips draft a letter to the Town Council that states that everything seems to be moving along appropriately within the boundaries of the Zoning Ordinance. Mr. Santa Anna seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Dr. Benoit. NO: Mr. Flaherty. Motion passed, with a vote of 3-1.

**V. Recommendation to Town Council Re: Acceptance of Land Abutting AP 19 Lot 86
– NSES Lot**

Mr. Phillips stated that this agenda item is informational, but he wanted to run it by the Board. When the land (AP 19, Lot 86) was deeded to the town for North Smithfield Elementary School, the survey was incorrect. A new survey has been prepared to show the strip of land originally left off the survey. Mr. Phillips stated that the corrective deed is being filed; he does not think it is an administrative subdivision. Dr. Benoit stated that the corrective deed shows what was originally planned and it was clearly a surveying error.

VI. Planning Board Issues & Concerns

a. Elizabeth Avenue Status Update

The Board discussed the status of the paving on Elizabeth Avenue. Mr. Santa Anna stated that the paving job was completely botched. Mr. Phillips stated that pictures have been submitted to the Board which show that the paving is only slightly better than it was with the base coat. The Board discussed that one catch basin was set too high and the road was not properly crowned in other areas resulting in ponding in the roadway. A number of sewer manholes were paved over due to incorrect risers. The pavement was subsequently cut out around the manholes. The Chair stated that water is not getting to the catch basins. He also stated that, just as he had predicted, the asphalt plants are now closed and the work will not be done this winter.

Mr. Phillips stated that the developer has agreed to correct the problems and will do their best to cut the pavement and match the seams. The town will not accept the work as completed and the maintenance bond will be held for 2-3 years. Mr. Phillips stated that if the weather is warm enough, they will go out and try to correct the problems with the pavement, but the catch basin on Saranac will not be done this year.

Mr. Santa Anna stated that the whole road should be ripped up. He stated it is not acceptable to cut up a brand new road and add patches. Mr. Phillips stated that they can't leave the road as it is now, but they will not be able to rip out the whole road this year. However, the town will not accept the road with these patches. The Chair

stated that this may be a fix for the winter, but will not be permanent. Mr. Santa Anna stated that the town should be hands-off and let the developer fix the problem. The town had offered their suggestions, but because the developer ignored them, they need to fix it. He also stated that the developer needs to get rid of all ponding areas. The Chair added that they have created an icing problem and a nuisance (pond), and therefore the developer should be responsible for sanding and deicing. Mr. Phillips stated that because the road was a town road before this development, the town is responsible for the road. However, the developer was charged for plowing in the past years, so they will continue to do this. The Chair stated that the developer should be responsible for putting sand barrels out on the road.

The Chair stated that the town should pursue calling in the bond, then go out on April 15 and complete the road properly. Mr. Santa Anna stated that the road as it is now is not even close to a quality job. Mr. Rossi stated that he will research all options in calling in the bond. The Chair stated that interim repair is necessary to protect the town residents. He stated that the sand barrels should be added to the outstanding balance of costs incurred to the town, and the town should continue to add the costs throughout the winter. Mr. Rossi stated that the developer has been given a reasonable amount of time to complete the job correctly. He stated that the town should tell the bond company that the town is not accepting the contractor, and will pick another contractor to get the job done.

Mr. Phillips stated he will prepare a letter to the developer stating that they need to take interim measures to temporarily correct deficiencies, but that the town expects the developer to bring the entire road up to town specifications. He will also add that the water on the road creates a safety hazard.

b. Street Lights

Dr. Benoit made a motion to discuss street lights in town. Mr. Santa Anna seconded the motion, with all in favor. Dr. Benoit stated that he believes that there are too many street lights being used in the town, and by eliminating some, the town can conserve energy and save money. He stated there are some areas in which street lights are necessary, such as on steep inclines, high hills, and intersections, but that some areas of town they are unnecessary. He stated that in regard to safety issues, reflective numbers at the edge of the road could be required of all residents. Dr. Benoit stated that perhaps for future developments with cul-de-sacs, each residence could be required to install a standard light post at the edge of the driveway that must be kept in working order by the homeowner, leaving the town free from the responsibility of illuminating future subdivisions. Dr. Benoit asked for input and suggestions as to how to present elimination of excess street lights to the Town Council.

Mr. Santa Anna suggested getting a list of the lights the town pays for from the electric company to find out what can be eliminated. Mr.

Phillips stated that the town currently pays approximately \$20,000 per month for street lights. (Subsequent to the meeting, Mr. Phillips corrected this amount to \$12,000 per month). Mr. Flaherty stated that he thinks there is a regulation that prohibits the deactivation of street lights without certain notice. The Chair stated that a lighting engineer should determine a safe acceptable lighting level, with regard to spacing and type of light.

Mr. Phillips stated that any decisions on street lights can be overridden by the Town Council. Mr. Flaherty suggested that the issue be pursued on a regional/statewide basis, as it may be in the collective self-interest of several towns. Mr. Santa Anna suggested asking the Town Council to shut off every other street light in town.

Dr. Benoit made a motion to adjourn at 9:13 pm, seconded by Mr. Santa Anna, with all in favor.

**Respectfully submitted,
Angela Pugliese
Planning Board Secretary**