

The Chair called the meeting to order at 7:00pm.

I. Roll Call

Present: Chair Joe Cardello, Eugene Simone, Bruce Santa Anna, Steve Parent, Dean Naylor.

Absent: Ed Magill and Dr. Lucien Benoit.

Also present were Town Planner Michael Phillips and Assistant Solicitor Bob Rossi.

Mr. Parent made a motion to move up agenda item IV (Industrial Drive Commerce Park). Mr. Naylor seconded the motion, with all in favor.

II. Industrial Drive Commerce Park--Request for Extension of Master Plan Approval

Owner/Applicant: Russell & Robert Branchaud

Location: 136 Industrial Drive

Assessor's Plat 5 Lot 76

Zoning: M (Manufacturing District)

Attorney Eric Brainsky addressed the Board to request an extension of Master Plan Approval. He stated that the Preliminary Plan had been approved in September 2007. He reviewed the industrial subdivision, consisting of 5 lots. Mr. Brainsky stated that this is the first request for an extension. The applicant has submitted the UIC and wetlands applications to DEM. They have received some

comments and made a resubmission in August. They are currently waiting on a response from DEM.

Mr. Brainsky also submitted some information on a new law concerning vesting of major subdivisions. The law has some significant changes, including an initial 2-year automatic vesting, and two 1-year automatic extensions. He stated that this project should be vested for 2 years, because the act takes effect on passage, in June 2008. Mr. Rossi stated that he thinks it only applies prospectively, not retroactively, so this application only has a 1-year vesting period, as it did at the time it was voted on. The Chair stated that he does not have any concerns with the extension, since the applicant is actively pursuing permits.

Mr. Parent made a motion to extend the Master Plan Approval for a period of one year. Mr. Simone seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Parent, Mr. Simone, Mr. Naylor. Motion passed, with a vote of 5-0.

III. Approval of Minutes--June 5 & July 24, 2008

Mr. Santa Anna made a motion to approve the minutes of June 5, 2008 as corrected. Mr. Parent seconded the motion, with all in favor.

Mr. Simone made a motion to approve the minutes of July 24, 2008 as corrected. Mr. Santa Anna seconded the motion, with all in favor.

IV. Rumas--Minor Subdivision Preliminary Plan

Owner/Applicant: John & Terry Rumas

Location: 359 Buxton Street

Assessor's: Plat 1, Lot 6

Zoning: Rural Agriculture (RA-65)

Ms. Erin Gallogly, project manager from Marc Nyberg Associates, addressed the Board. She stated that the applicant is requesting a 2-lot subdivision, with one lot of 107,000 square feet and the second lot with the existing house of 292,000 square feet. Ms. Gallogly stated that the subdivision will require no variances. Lot 6A as proposed is a buildable lot. Soil evaluations were submitted with the plans. Mr. Santa Anna asked if, even with the wetlands, the regulations are met. Ms. Gallogly replied that 65,000 sq. ft. of contiguous upland buildable land is required and he will have 90,524. Mr. Santa Anna asked about the floodplain. Ms. Gallogly stated that the floodplain is denoted on the plan and this property is not within the designated flood zone. Mr. Phillips asked about the note about wellhead protection area in the wetlands report. Ms. Gallogly stated that it is right on the line, so out of abundance of caution, it was

included on the plans. There is a 700-sq. ft. radius around it. The Chair asked about the proposed second system, and whether this will cause any problems with the existing wells across the street. Ms. Gallogly stated that the location of the wells have been checked and they are not within 100-ft of the proposed system.

Mr. Santa Anna made a motion to approve the Preliminary Plan. Mr. Parent seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Parent, Mr. Simone, Mr. Naylor. Motion passed, with a vote of 5-0.

Mr. Santa Anna made a motion that Final Approval be completed administratively. Mr. Parent seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Parent, Mr. Simone, Mr. Naylor. Motion passed, with a vote of 5-0.

V. Pound Hill Estates—Major Subdivision Preliminary Plan Review & Public Hearing

Applicant: Leo Doire—ZYX, Inc.

Location: Pound Hill Road

Assessor's: Plat 10, Lot 59

Zoning: Rural Agricultural (RA-65)

Attorney Peter Ruggiero addressed the Board. He stated that the application had been continued from July 24. Since that meeting,

updated plans have been submitted with changes the Board requested. Engineer David D'Amico has addressed each comment raised. The application will require some waivers, since Lots 1, 4, 5, and 6 do not meet current regulations of contiguous buildable area.

Mr. D'Amico addressed the Board and stated that he had incorporated the responses to the Board's previous comments into plans. He reviewed the comments and the applicant's responses. These are detailed in a cover letter submitted with the revised plans. Following is a list of the concerns that were addressed:

1) Sight distance for new entrance—analyzed and found to be greater than 300 feet to the north and approximately 370 feet to the south without clearing vegetation. This sight distance meets AASHTO regulations for 25 mph

2) Show drainage easements

3) Revise lot lines between lots 3-4—relocated property line between lots 1, 2, & 6 which brought the lot more into compliance. There is still a need for a waiver.

4) 5-ft. wide sidewalk—shown on plans

5) Electrical conduit additional tube—shown on plan

- 6) Add stop sign, stop bar—shown on plan
- 7) Fence along abutter's property—met with abutter. Mr. Pascoe requested no fence from corner of Pound Hill Rd. all the way back. They agreed to start the fence at the end of the horse barn fence extended to the wetland and showed the new fence on plan.
- 8) Cross culvert on Pound Hill Rd.—Mr. D'Amico stated that the culvert is built way below grade and because of this, water cannot flow out of it. It acts as a settling area. The outlet is below grade by approximately 4 ft. If water does come up to ground level, it goes to the northeasterly area. Mr. D'Amico stated that it would be prudent to add a small cross culvert under the driveway. He has provided provision for that in lot #1.
- 9) Submit plans to fire department—A turning template plan was submitted, and the town will be able to turn around and back out, however they did not get a letter from the fire department.
- 10) Lighting requirements (eliminating streetlights)—the applicant cannot eliminate lighting without fire department approval. If this approval is given by the Board then the applicant will spend the time to design lighting and will work with the fire department.

The Chair stated that he disagreed with sight distance findings. Using the plans, the proposed landscape plan, he made a site visit and does not think the sight distance is adequate. He stated that they should measure 6-8 ft. behind the stop bar, as that is where the cars will be. He also thinks that the proposed plantings will obstruct sight distance. He believes that the trees would pose an obstruction,

although the existing trees are probably worse than what's proposed.

He is concerned and would like to revisit the landscape plan. Mr. D'Amico replied that this is an easy fix, and they can move the trees back from property line.

The Chair clarified the Board's previous comments on the lighting. He stated that the Board would like to see if residents can provide driveway lighting in place of street lights as part of a covenant agreement. Mr. Ruggiero stated that if that is the Board's wishes, he has no objection. Mr. Phillips stated that his only objection is that the town may not be able to enforce this, and he is therefore hesitant to require driveway lights. He stated that Public Works or the Public Safety Commission could look at plans to see what lights are warranted.

The Board discussed the cul-de-sac radius and the requirements of the fire department. The Chair stated that the fire department has to make the decision. Mr. Phillips stated that the fire department wants a 55-ft. radius, but the town would like to try to keep it at 45-ft. He stated that the fire department has been willing to compromise in the past. A larger radius results in a maintenance headache and added drainage cost.

The Chair asked if the sidewalk has a wheelchair accessible area. Mr. D'Amico said that it is not shown but he will add it. Mr. Phillips stated that Dr. Benoit had expressed concerns with the sidewalk width and the increase in impervious surface. The Chair stated that at 4 ft., the sidewalks will be ADA compliant for a set distance, but will need a turnout area. At 5-ft., the turnout is not necessary. Mr. Santa Anna pointed out that the 5 ft. includes the width of the curb.

The Chair asked if any members of the public would like to speak at the hearing. No one spoke, but Mr. Parent asked one of the abutters if he had any problems with his well.

Abutter Lucien Lamoureux of 1899 Pound Hill Rd. stated that he never had a problem with the water and no contaminants were found in the test holes. Julie Pascoe of 1912 Pound Hill Rd. stated that her well water is good; they had put in charcoal system because of MTBE, and the current water tested clear. The Board discussed past issues in that area with contaminants coming from the nearby scrap yard. MBTE contaminants were suspected of coming from the scrap yard and in 2006 there was an increase on Pine Hill Rd. Mr. Phillips stated that the brief spike could come from spilling gas in the yard and that the Department of Health thinks it was a local spill that caused a spike in the contaminant levels in that area. The public hearing closed at 8:05 pm.

Mr. Parent made a motion to grant waivers from the provisions of

Section 5.3.3.3 for Lot 1 which is 23,278 square feet short; Lot 4 which is 12,496 square feet short and Lot 6 which is 36,398 square feet short of the required 65,000 square feet of contiguous buildable area. Mr. Simone seconded the motion. (Prior to Adoption of Ordinance) Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Parent, Mr. Simone, Mr. Naylor. Motion passed, with a vote of 5-0.

Mr. Parent made a motion to approve the petition for Preliminary Plan of a Major Subdivision known as Pound Hill Estates, a six lot subdivision proposed by ZYX, LLC, 1600 Flat River Road, Coventry, Rhode Island, 02816 as depicted in a 10 plan drawing set entitled "Site Plans for a Proposed Major Subdivision- Pound Hill Estates with a revision date of August 21, 2008 prepared by Casali and D'Amico Engineering, Inc.. Said property is described as North Smithfield Assessor's Plat 10 Lot 59, located at 1910 Pound Hill Road, in the Agricultural Residential (RA-65) zone.

The Chair stated that it should be noted that the Board still requests to review the landscape plan to better address the sight distances.

Mr. Santa Anna seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Parent, Mr. Simone, Mr. Naylor. Motion passed, with a vote of 5-0.

**Mr. Santa Anna made a motion to take a 5-minute recess at 8:15 pm.
Mr. Parent seconded the motion, with all in favor.**

The Chair called the meeting back to order at 8:29 pm.

VI. Anchor Subaru--Pre-Application Major Land Development Project

Owner/Applicant: Robert Benoit

Location: 949 Eddie Dowling Highway

Assessor's: Plat 17, Lots 80, 84, 85, 167 & 231

Zoning: Highway Business (BH)

Engineer David D'Amico addressed the Board to present the pre-application for the applicant. He stated that they have spent over a year working on the project, applying for approvals for wetlands and the physical alteration permit. The applicant proposes to build an addition to the building and make

improvements to the existing parking at Anchor Subaru on Rte. 146. Most of the work will be done on 3 lots (Lot 231, 167, and 85). The existing showroom is on Lot 80. There was a home on Lot 167, but it

has been demolished. The applicant's proposal is to enhance the current business and add 2 storage lots for inventory. The higher lot (231) has some existing storage. Mr. D'Amico reviewed the paving plan. He stated that islands are required, a drainage system is

proposed for additional runoff, including detention ponds and a stone swale to collect runoff from the upper and lower parking lots.

They have requested accesses (1-way) onto 146. It is only accessible southbound and into site. They have received DOT approval on this design, which will allow access from the existing facility to the back lot. The retaining wall will need modification, so that the lots will provide full circulation. This will enhance the business.

Three separate detention ponds are proposed, with subdrains to regulate flow. There will be low-flow orifices for better water quality. The Preliminary Wetlands determination meets all standard DEM regulations, with essentially no impact to wetlands. Some planting will be added, but they are requesting to not have to add a vegetative buffer along 146, as this is not conducive to business.

The lighting plan calls for standard lighting, with zero candlelight outside the property (the abutting properties are owned by the applicant).

Mr. Phillips informed the Board that the application is considered a major land development project and has to go through the 4-step process, because there is more than one acre of development. He asked the applicant to show how circulation through the property will work, including the adjoining lot. He would like more information on how traffic will flow through the site, as well as more detail on

customer parking and egress routes. He stated that he had worked with the applicant on using Sayles Hill for access, but the Town Council did not approve the rezoning. Mr. Phillips stated that the proposal is a good solution to get trucks off road and there will be a significant improvement in the safety of the operation.

The Board asked about the location of the septic system for the existing building. Robert Benoit, owner of the property pointed out the area on the plans where he understands system is, but the applicant will locate and identify it on the next plan set.

The Chair asked if the lots need to be merged. Mr. Phillips stated that it is not necessary, but it might be beneficial. Mr. Parent asked if there are plans to add an additional building. Mr. Benoit said he has no plans at this point. Mr. Naylor asked about the terracing, how much excavation will be required, and where the materials will be taken. Mr. Benoit stated that all materials will stay on site, though they may shift among the lots. The Chair asked if any blasting is anticipated. The applicant said there are no plans for blasting. He asked if they had received approval for the physical alteration permit and they have.

The Chair stated that he agrees with the applicant that there should

be no planting on the roadside. He also asked if they had looked into using pervious pavement. Mr. D'Amico stated that they didn't look into it, but they will investigate.

Mr. Parent asked if there would be any additional signage. Mr. Benoit said there will be none.

VII. Elizabeth Avenue--Review of remedial work plan for Elizabeth Avenue and Saranac Street

Mr. Phillips said that the developer has submitted plans and a set of notes with proposed remediation. He has also received a letter from Mr. Mesolella stating that improvements will be completed by October 31, 2008. The plans involve laying another coat of pavement, reworking the grade, repitching the catch basins. Joints will be infrared sealed, which is not ideal, because it will probably open up over time. He stated that it is the best solution the town is going to get from the developer. The Chair stated that he questions how this plan will work, as it shows no change in grade and no leveling course. Mr. Phillips read the grading utilities note on the plan (note #5).

The Board discussed some potential problems with the plan. They are concerned that with having no crown, the road will end up with the same problems. The Board discussed meeting with the developer

and PARE Engineering to discuss concerns.

The Chair made a motion to continue this discussion at the next meeting. Mr. Parent seconded the motion, with all in favor. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Parent, Mr. Simone, Mr. Naylor. Motion passed, with a vote of 5-0.

Mr. Santa Anna made a motion to adjourn at 9:30 pm. Mr. Simone seconded the motion, with all in favor.

Respectfully Submitted;

Angela Pugliese

Planning Board Secretary