

Town of North Smithfield Planning Board Meeting

Kendall Dean School, 83 Greene Street

Thursday, June 25, 2009, 7:00 PM

I. Roll Call

Present: Joe Cardello, Scott Gibbs, Alex Biliouris, Bruce Santa Anna, Dean Naylor, Gene Simone, and Stephen Vowels. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

NOTE: Mr. Santa Anna left the meeting after the Dowling Village hearing, so was not present for agenda items IV-VI.

II. Approval of Minutes – Transcripts for Planning Board Meeting of March 12, March 19, April 9, April 23, April 30, May 14, & June 4, 2009

III. Dowling Village Phase II & III – Preliminary Plan Public Hearing

Major Land Development Project- Site Plan Review (7pm – 8:30pm)

Also reviewing project impacts for the whole project, Phases I-IV

Applicant: Bucci Development, Inc. - Brian Bucci

Location: 120 Eddie Dowling Highway/ 146A

**Assessor's Plat 13 Lots 18, 20, 21, 44, 53, 76, 111, 112, 123 & 143 and
Plat 21, Lots 25, 26, 29, 30, 31, 32, 50, 58, 61, & 71**

Zoning: Professional Services (PS), Business Highway (BH), & Rural Agricultural (RA)

(Continued from Jan. 8, & 15; Feb. 12, & 26; Mar. 12, & 19; April 9, 23 & 30; May 14; June 4 & 11, 2009)

**(Please see stenographer's transcript for this portion of the meeting.)
Alex Biliouris is recused from the Dowling Village hearings.**

IV. Jacques Farm LLC, Preliminary Plan – Minor Subdivision

Applicant: Frank & Nancy Jacques/Owners

Location: 300 Buxton Street,

Assessor's Plat 1, Lot 35

Zoning: Rural Agricultural (RA-65)

Applicant met all requirements of the Land Development and Subdivision Regulations dated May 2006.

The final issue resolved was the stabilization of the shared driveway slide slopes. The applicant's work was approved in writing by DEM on June 25, 2009. Motion to approve and granted.

V. Rocky Hill Estates – Minor Sub Division - Final

Applicant: Adam Rodzik

Location: 146 Rocky Hill Road, Assessor's Plat 16, Lot 29

Zoning: Rural Agricultural (RA-65)

Attorney Eric Brainsky was present for the applicant. He had previously spoken with Mr. Ericson about his client's inability to obtain a bond, due to the current economic climate. He stated that the applicant will construct the subdivision himself, and asked for the Board to give its conditional approval and to come back before the Board for final approval after the work is completed and inspected by a professional engineer. Mr. Brainsky also informed the Board that the Fire Department had reviewed the plans and determined that no cistern was needed. This change will need to be made on the plans.

The Chair stated that he did not want to approve any plans that he was not able to review before the meeting. Mr. Brainsky stated that the plans will be available in a couple of days. The Chair stated that he would like to see a set of plans with the conditions listed on the plans. He stated that there is a hint of possible extension of the roadway and that he would not have approved that. Mr. Biliouris pointed out that the Board shared the Chair's concerns and that is why they stated that the approval is for the plans as shown only and not for future extension. Engineer Joe Casali stated that the applicant would widen the road to 30 feet if it is ever extended. The Chair stated that he would need to see that clearly stated as a condition of final approval.

Mr. Brainsky asked if the conditional final approval could be done administratively. Mr. Biliouris asked if the lots could be sold before the final approval is granted and the plans are recorded. Mr. Brainsky

stated that no lots can be sold without recording the approved final plan. Mr. Gibbs made a motion to grant the applicant's request for conditional administrative final approval. Mr. Simone seconded the motion. Planning Board vote was as follows: AYE: Mr. Gibbs, Mr. Biliouris, Mr. Simone. NO: Mr. Cardello, Mr. Naylor.

VI. Roadway Improvements Annette Avenue

Applicant: Jeffery Piette

Location: Annette Ave from Lamoureux Boulevard,

Assessor's Plat 9, Lot 191

Zoning: Urban Residential (RU-20)

Mr. Ericson reviewed the issue for the Board. The applicant has a lot, located on a paper street. He has been before Superior Court who granted him the right to construct a road per the Board's specifications. Attorney Eric Brainsky represented the applicant and asked the Board to approve the construction of a 20' tilted gravel road or a 20' tilted paved road with a swale on one side. He stated that there is not enough room for a crowned road with swales on both sides. Mr. Brainsky stated that the applicant appeared before the Board previously (July 2007), but the application was denied due to wetlands concerns. The applicant appealed to the Zoning Board and was again denied, but that the applicant came to an agreement with the Town after appearing in Superior Court, that the road can be improved and that design standards are up to the Planning Board. If the Board requires the road to be built per town subdivision

standards, the town must maintain the road. If the gravel drive is approved, the applicant or future owners will maintain the roadway.

Mr. Brainsky stated that DEM has approved roadway construction up to 24' and constructed per town standards. Mr. Ericson suggested a 20' roadway, located over the paper street, with a swale on one side. He said that this will be adequate drainage for the small piece of property. Mr. Brainsky stated that the applicant is looking for some direction from the Board at this time, and plans will be submitted after the guidance is given on the road construction issue.

Mr. Biliouris asked about flooding in the area. Mr. Brainsky stated that he is not aware of any flooding. Erin Gallogly, project manager from Marc Nyberg Associates, also testified that she never saw the property flood. The Chair stated that he has seen a foot of water on Lamoureux Blvd. after a large rainstorm. Mr. Ericson informed the Board that the property is close to, but not in the flood plain, according to the 2009 maps. Mr. Naylor stated he finds it hard to believe the property has never flooded, since it is so close to Lamoureux Blvd., which he has seen flooded all the way to Greenville Road. The Chair stated that the property is not legally in the flood plain, so the Board cannot consider the flooding issue. Mr. Ericson stated that the Town should have abandoned the street, but they did not.

Mr. Biliouris asked if drainage could be improved by building the

road. The Chair stated that it probably could not. Mr. Ericson agreed with that. Mr. Brainsky stated that DEM is aware of the intention to put a house on the property. The Chair stated that it is inconsistent with the Comprehensive Plan to give up the road. Mr. Biliouris stated that he is concerned with the Town being held liable in case of flooding. The Chair stated that at 120', it is basically a driveway. Mr. Nadeau stated that if the road is a town road, and something goes wrong, the Town is liable, and since it will be the Town's responsibility, he recommends a 20' paved road. Mr. Brainsky stated that the court order states that the applicant or future owner is responsible for maintenance of a gravel roadway. Mr. Nadeau said that, even so, if the owner does not maintain the road, the Town will be responsible to do so. The Chair asked if there will be adequate drainage for a paved road. Mr. Brainsky stated that the DEM has granted approval for a paved road, even without the swale.

The Chair made a motion to recommend construction of a 20' wide paved road, constructed to town standards, with a swale on one side. Mr. Simone seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Gibbs, Mr. Biliouris, Mr. Simone. NO: Mr. Naylor. Motion passed, with a vote of 4-1.

Mr. Naylor made a motion to adjourn at 9:44 pm. Mr. Gibbs seconded the motion, with all in favor.

Respectfully Submitted;

Angela Pugliese

Planning Board Secretary