

Town of North Smithfield Planning Board Meeting

Kendall Dean School, 83 Greene Street

Thursday, September 3, 2009, 7:00 PM

The Chair called the meeting to order at 7:13 pm.

I. Roll Call

Present: Chair Joe Cardello, Dean Naylor, Scott Gibbs, Bruce Santa Anna, Alex Biliouris, Gene Simone, Stephen Vowels (arrived at 7:15 pm). Also present was Town Planner Bob Ericson.

II. Approval of Minutes –June 11, & 25; July 2 & 16, 2009

Mr. Naylor made a motion to approve the minutes of June 11, 2009.

Mr. Santa Anna seconded the motion, with all in favor.

Mr. Naylor made a motion to approve the minutes of June 25, 2009.

Mr. Biliouris seconded the motion, with all in favor.

Mr. Naylor made a motion to approve the minutes of July 2, 2009. Mr.

Biliouris seconded the motion, with all in favor.

Mr. Naylor made a motion to approve the minutes of July 16, 2009, as corrected. Mr. Gibbs seconded the motion, with all in favor.

III. Development Plan Review

Applicant: Jehovah's Witness

Location: 1054 Victory Highway, Assessor's Plat 1, Lot 151

Zoning: Rural Agricultural (RA-65)

Mr. Ericson informed the Board that the applicant had requested to continue the hearing to September 17, 2009. The permit that they had been waiting for just arrived today, and the application is now complete, but they would like a little more time to get all of the materials together.

The Chair made a motion to rearrange the agenda in order to get some of the less time-consuming applications done with before moving on to the remainder of the applications. Mr. Naylor seconded the motion, with all in favor.

IV. Rocky Hill Estates – Final Plan Approval

Plat 16, Lot 29

Mr. Ericson informed the Board that the application is in the process of being completed and the applicant will be ready on September 17, 2009. The applicant did request to change the name of Isabel Drive to Denny Court. The Board had previously reached an agreement with the applicant that final approval would be given when the work was completed and approved. The Chair made a motion to have the street name change handled administratively. Mr. Naylor seconded the

motion, with all in favor.

V. Liz Development--Planning Board consideration for pulling Phase I & II bonds, Request to reduce Phase I bond, Request to reduce Phase II bond, Request to extend time to record Phase II final plan

Applicant: Vincent Mesoletta

The Chair recused himself from this application, due to a business relationship with the applicant. Attorney Matthew Shaw stated that the applicant may be appearing at the meeting and asked that the request remain as the last item on this agenda.

**VI. Dowling Village Phase II & III – Preliminary Plan Public Hearing
Major Land Development Project- Site Plan Review (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 & 25; July 2, 16 & 23; Aug. 13, 2009)

Attorney Matthew Shaw was present for the applicant. He presented

the Board with a letter requesting that the Board continue tonight's hearing to September 17, 2009, and to extend the clock on the application to October 2, 2009. The applicant is still waiting for the RIDEM permit, which is currently under review.

The Chair made a motion to continue the hearing to September 17, 2009. Mr. Gibbs seconded the motion, with all in favor. (*NOTE: Gene Simone voted in place of Alex Biliouris, who is recused from the Dowling Village hearings.)

The Chair made a motion to extend the clock to October 2, 2009. Mr. Naylor seconded the motion, with all in favor. (*NOTE: Gene Simone voted in place of Alex Biliouris, who is recused from the Dowling Village hearings.)

VII. Sayles Hill Estates – Major Subdivision - Preliminary

Applicant: Andre E. Leblanc of Korel Realty, LLC

Location: Korel Drive, Rue de St. Jude Extension, & Monty Drive, Plat 17, Lot 117 & 163

Zoning: Suburban Residential (RS-40)

Mr. Biliouris rejoined the Board after being recused from the Dowling Village application.

Mr. Ericson informed the Board that since the map with the revised drainage area just came in; the Board can't make a decision until September 17. Joshua Rosen, PE, from Commonwealth Engineering,

was present for the applicant (Korel Realty). The Board granted Master Plan approval in November 2008 for an 11-lot subdivision (10 new lots and 1 existing lot) on approximately 25 acres. The applicant is seeking no additional (other than those discussed at Master Plan) waivers at this time.

DEM insignificant alteration permit was received in April 2009, and OWTS suitability was received in June 2009. The plan proposes three fire cisterns, which the fire chief agreed was acceptable for the size and location of the subdivision. Agreements have been reached with National Grid and Narragansett Electric for the crossing of the electrical easement and improvements on Rue de St. Jude through the easement. The subdivision includes approximately 4 acres of dedicated open space. Mr. Rosen pointed out that preservation easements have been identified on the plans for the stone walls and a stand of beech trees, which were addressed at Master Plan.

In reference to the revised drainage plan, Mr. Rosen explained that they have extended the detention facility to mitigate increased runoff, adding in the southerly watershed area that drains onto property to the runoff calculations. Accommodating the larger sub watershed area resulted in no significant change. The plan still meets DEM criteria, and the pond can handle all runoff. Mr. Ericson clarified for the Board that plans must delineate watershed areas to include all areas from which water is actually flowing. Correctly delineating this watershed area will assure that there is no precedent set for

“shrink-wrapping” drainage areas along subdivision boundaries.

The Chair suggested that the watershed and drainage plan should be peer reviewed. He stated that he would feel more comfortable having someone else look at it to see if the design can be improved upon.

Mr. Naylor asked if copies of the preservation easement agreement have been submitted. Mr. Rosen stated that it is part of the home owners’ covenant. Mr. Naylor also asked if the Conservation Commission had been sent a copy of the agreements, since they had brought up the issue of the beech tree stand. They have received copies for review and sent comment back.

Mr. Biliouris asked Mr. Rosen to point out the roads of the subdivision and give details of widths, sidewalks. Mr. Rosen provided this information, detailing the widths of each road. Rue de Jude will be 24' wide to match the existing road, with bituminous berm, and no sidewalks. These waivers were granted at Master Plan. Monty Drive to Korel Drive will be 30' wide with granite curbing and no sidewalks. There is also a swale on the easterly side of Monty Drive with berm. The rest of the road will have granite curbing. Korel Drive will be 30' wide with granite curbig and a sidewalk on one side and around the cul-de-sac to Sayles Hill Road, as agreed to at the Master Plan stage.

In response to Mr. Biliouris' question, Mr. Rosen stated that the septic design calls for bottomless sand filters with pretreatment approved

by DEM. The max height will be 2 feet, with most being about 6-8 inches above the ground.

The Chair stated that he has concerns about the groundwater and drinking water being affected by construction and asked if what controls will be in place. Mr. Rosen stated that during site construction, erosion controls will be in place, and that dewatering is addressed on the DEM permit. He stated that consideration has been given for these measures and that the season of construction will determine whether it will be an issue. The Chair asked if there is a SWPP (Storm Water Pollution Prevention) for the project. Mr. Rosen stated that it is not needed, as it is governed by the insignificant alteration permit. He added that a RIPDES permit will be needed 24 hours prior to construction.

The Board also discussed maintenance of detention areas. Mr. Ericson stated that he will draft an outline of how the maintenance schedule and reporting system should work, but that it will be handled by the homeowners. He stated that the Town does not have the money to do the maintenance. Mr. Gibbs stated that he is concerned that it will fall through the cracks without a system in place by which to follow through with the homeowners. Mr. Ericson said that the Town should make the maintenance schedule and reporting part of the Planning system.

The Chair asked Mr. Ericson for his comments on the road widths.

Mr. Ericson suggested that the widths be reduced to 26 feet, as that is best for aquifer recharge and to minimize storm water that must be filtered. The state will be requesting innovation on such issues. Mr. Gibbs asked what the fire chief's position is on the road with requirement. Mr. Ericson said that he is very lenient and he will get it in writing that the fire chief agrees to the 26' width. The Chair stated that with the regulations requiring granite curbs, 24' wide roads are not reasonable, especially when figuring in catch basins, as this will result in 20' wide drivable areas. With 2 cars driving, they will have to drive over the catch basin grades. He added that with roads at a width of 26', he is concerned with fire safety. The Chair stated that he may be agreeable to widths of 26'-28', but that 24' is too narrow. He agrees that DEM will be pushing for the reduction of road widths. Mr. Santa Anna stated that he is concerned with flooding that may result with the reduction of road widths, especially in flat areas. The Chair stated that on this project, the slope seems to favor reduction without adverse effects, but that he does not want to set a precedent. Mr. Gibbs said that he supports the reduction of the road width with written assurance from the fire chief. The Chair concluded that if the applicant wants to pursue this, some Board members will consider it, but did not ask the Board for a consensus on the issue. He suggested that the applicant not change the whole plan set, but that if the applicant chooses to make a proposal on reducing the road widths, the Board will consider it.

The Chair also stated that the Board will make no decision on seeding

the detention pond without peer review of the drainage system.

The Chair opened the application up to public comment at 8:35 pm. James Carey of 119 Sayles Hill Road, addressed the Board, stating that he is an abutter to the proposed subdivision. He said that he is not opposed to the project, but he is in support of protecting the groundwater and being sure that the water quality of his two wells is not adversely affected. He also requested signage on Sayles Hill Road and establishing a 3-way stop sign of a slow sign at Korel or Rue de St. Jude, because there are lots of children in the neighborhood. He also requested a sign or mirror at Iron Mine Hill Road, due to the poor line of sight. Mr. Biliouris agreed that something is needed at Iron Mine Hill Road.

No one else asked to speak, but the public hearing was continued in case there are any significant changes in the plan.

The Chair stated that the plans would be sent to peer review. He suggested that Mr. Rosen talk with Mr. Ericson about the process and that the application can be put on the agenda for September 17, but the Board will continue it as necessary. Mr. Rosen stated that as soon as the peer review is completed, he will be prepared to come back to review comments and respond.

Mr. Santa Anna asked if there are any street lights proposed. There are none, but the plans do call for three stop signs, which meet 2012

reflectivity standards.

Mr. Naylor made a motion to continue the hearing. Mr. Gibbs seconded the motion, with all in favor.

VIII. Liz Development--Planning Board consideration for pulling Phase I & II bonds, Request to reduce Phase I bond, Request to reduce Phase II bond, Request to extend time to record Phase II final plan

Applicant: Vincent Mesolella

The Chair recused due to a business relationship with the applicant. Attorney Matthew Shaw stated that Mr. Mesolella will not be attending the meeting this evening. He informed the Board that the applicant is in negotiations with the town (negotiations being handled between applicant's attorney Michael Kelly and Town Solicitor Rick Nadeau). He asked the Board that the application be continued to September 17, 2009. He stated that through these negotiations, there will be a resolution soon.

Mr. Gibbs made a motion to continue the discussion until September 17. Mr. Biliouris seconded the motion. Mr. Santa Anna stated that this discussion has become a yearly ritual for the Planning Board, with no action ever being taken on the construction or repair of the road. Mr. Vowels agreed with Mr. Santa Anna that the Town has been making good faith efforts, with no response or action from the applicant. Mr. Ericson stated that he has reviewed the past record.

He informed the Board that Mr. Nadeau's negotiations have been quite productive, and that the plan is to present the resolution at the next meeting. At that time, if the Board does not think the resolution is adequate, they may pull the bond.

Mr. Gibbs withdrew his motion. Mr. Biliouris withdrew his second. Mr. Gibbs made a motion to continue the discussion to September 17, 2009, with a clear forceful statement to Mr. Mesolella that at that time the Board will either accept the agreement or pull the bond. Mr. Santa Anna seconded the motion, with all in favor. (Mr. Simone voted in place of Mr. Cardello.)

IX. Planning Projects – Review of August 24, 2009 list

Mr. Ericson stated that this agenda item is for the purpose of reviewing ongoing projects and for the Board to ask any questions. Mr. Gibbs and Mr. Ericson discussed the process of CDBG grant requests. There were no other projects to discuss or questions by any Board members.

Mr. Santa Anna made a motion to adjourn at 9:01 pm. Mr. Gibbs seconded the motion, with all in favor.