

Town of North Smithfield Planning Board Meeting

Kendall Dean School, 83 Green Street

Thursday, October 15, 2009, 7:00 PM

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

1. Roll Call

Present: Chair Joe Cardello, Dean Naylor, Scott Gibbs, Bruce Santa Anna, Alex Biliouris, Gene Simone, Absent: Stephen Vowels. Also present was Town Planner Bob Ericson.

2. Approval of Minutes – September 17, 2009

Mr. Santa Anna made a motion to approve the minutes of September 17, 2009, as corrected. Mr. Simone seconded the motion, with all in favor.

3. 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, Sep 3 & 17; Oct 1, 2009)

Mr. Biliouris was recused from this application. Attorney Eric Brainsky addressed the Board for the applicant, stating that they are still waiting for the DEM permit. He requested a continuance of the hearing to November 5, 2009 and an extension of the decision date to December 4, 2009.

Mr. Santa Anna made a motion to extend the decision date to December 4, 2009. Mr. Gibbs seconded the motion, with all in favor. Mr. Naylor made a motion to continue the hearing to November 5, 2009 at 7:00 pm. Mr. Gibbs seconded the motion, with all in favor.

4. Gerard and Christine M. Berthelette, advice on possible subdivision

Assessor's Plat 3, Lot 286

Attorney Eric Brainsky addressed the Board for the applicant. The Berthelettes own approximately 3.6 acres and are seeking guidance from the Board on whether to 1) pursue a two-lot subdivision that will require a variance for frontage or 2) submit a conventional subdivision plan with a through road. Mr. Brainsky said that six lots could be created, but Mr. Ericson thought four would be more likely.

As proposed, the two-lot subdivision option would result in a conforming lot and a lot with only 38 feet of frontage, requiring a variance of 62 feet. The property currently includes a narrow strip of land which is used to access an adjacent property. This strip is an easement of record. The lot that would require the frontage variance has additional frontage on a paper street. Other than frontage, the lot meets all other subdivision and zoning regulations. Mr. Brainsky stated that his clients are not developers and have owned the property for a long time.

Mr. Brainsky stated that the current access is a private gravel driveway, but his client is open to negotiations. He added that building a road to town standards would result in more impervious area and can lead to drainage issues. Mr. Simone asked if there have been previous applications that required such a large variance. The Chair said he can't recall any specifically, but it (the decision whether or not to recommend in favor of the variance) would depend on the details of the application.

The Chair stated that according to the Town's Comprehensive Plan, they should be trying to eliminate oddly-shaped lots. Mr. Biliouris asked who would be responsible for the maintenance of the road. Mr. Ericson stated that if it is developed to town standards, the town could inspect and accept the road, and then would be responsible for the maintenance. If developed to less than town standards, the

applicant would be responsible for the maintenance.

The Chair polled the Board to see if they would be open to consider the two-lot subdivision option. Mr. Simone and Mr. Santa Anna said no. Mr. Naylor stated that he is undecided, as he can see that two lots would have less impact than a larger subdivision, but he is concerned with the unusual situation (access, large variance). Mr. Gibbs said he is open to considering the option. Mr. Biliouris stated that he would want to visit the site, due to concerns with public safety, emergency access, and drainage issues, but he is open to considering it. The Chair stated that if this was a single lot, he would have no issues, but that a subdivision creates a situation that the town, according to its Comprehensive Plan, does not want. In his opinion, the applicant would be creating a hardship.

Mr. Brainsky stated that he would speak further with his client, and if they decide to pursue the two-lot option, they would submit for Master Plan and then go to the Zoning Board to ask for the variance. If the variance is granted, they would then return before the Planning Board.

5. David R. and Beverly A. Jarry – Minor Subdivision - Preliminary

Applicant: David R. and Beverly A. Jarry

Location: Harkness Road (West), Assessor's Plat 2, Lot 15,

Zoning: Rural Agricultural (RA-65)

The application submitted to the Planning Department was incomplete. Mr. Ericson reviewed what was submitted with the Board and discussed the problems with the plans relative to Form E. The issues included the locus map not being drawn to scale, difficult access for emergency vehicles, no utilities shown, location of wells on abutting properties need to be shown, and location of wetlands were not shown (nor was there a note indicating that there are none). After a discussion of these issues, the Chair advised Mr. Ericson to sit down with the applicant to discuss what is needed to complete the application.

6. Susan Gallagher--Request for interior lot angles waiver on an administrative subdivision

Location: 214 Mattity Rd., Assessor's Plat 10, Lots 191, 192

The applicant is in the process of selling her property, but in doing so, the surveyor discovered that part of her house is on the adjacent property. In order to alleviate this, a land swap has been proposed. In most land swap cases, an equal exchange of land is proposed, but in order to accomplish this, a waiver must be granted.

The Chair stated that he is not in favor of granting the waiver because he prefers straight lines on properties and thinks that there are alternative ways to configure the lots to create straight lines. He did acknowledge that this proposal may be necessary if the goal is an equal exchange of land.

Mr. Biliouris made a motion to grant the waiver from the regulation requiring interior angles no greater than 200 degrees, to allow up to 270 degrees where angles greater than 200 degrees currently exist, in order to alleviate an existing condition that is non-conforming. Mr. Gibbs seconded the motion. Planning Board vote was as follows: AYE: Mr. Biliouris, Mr. Gibbs, Mr. Naylor. NO: Mr. Cardello, Mr. Santa Anna. Motion passed, with a vote of 3-2.

Mr. Santa Anna made a motion to adjourn at 8:08 pm. Mr. Naylor seconded the motion, with all in favor.