

Town of North Smithfield Planning Board

Kendall Dean School, 83 Greene Street

Thursday, April 1, 2010, 7:00 PM

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

1. Roll Call

Present: Chair Scott Gibbs, Alex Biliouris, Dean Naylor, Stephen Vowels, Joe Cardello. Absent: Gene Simone, Art Bassett. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: March 18, 2010

Mr. Vowels made a motion to approve the minutes of March 18, 2010. Mr. Biliouris seconded the motion, with all in favor.

3. Citation: Paulette Hamilton to Bruce Santa Anna for 10+ years of service

The Chair presented a citation to Bruce Santa Anna for his years of service to the Town as a member of the Planning Board. Mr. Santa Anna was complimented by the Town Planner, the Chair, and Mr. Cardello for the level of civility and respect he showed the public in

his capacity as Board member. The Chair read the citation in the absence of Town Administrator Paulette Hamilton, who was unable to attend.

4. Marshfield Commons: Major Land Development Project Master Plan Informational Meeting

Owner/Applicant: Woonsocket Neighborhood Development Corporation

Location: Mechanic Street, Assessor's Plat, 1 Lots 69 & 423,

Zoning: RS-40 (Suburban Residential)

(Previously subject to a master plan informational meeting of Jan. 7, Feb 4, Feb 18, March 4, March 18, 2010)

Attorney Scott Spear was present for the applicant. He explained that the Board had previously expressed concerns with the interior traffic circulation and the parking layout. Since the last meeting, the applicant has revised the plans and submitted the newest plans to the Board for review. Mr. Spear also stated that all experts are available for questions from the Board.

Engineer Scott Moorehead addressed the Board and identified all the revisions to the plan. The roads are now 20' to 28' wide. (20' in areas with no parking allowed, 28' where on-street parking is allowed) Some additional off-street parking has also been added, bringing the total number of parking spaces to 96, an increase from the previous plan.

Other issues the Board wanted addressed were the pervious areas of the driveways. These areas will use grass pavers, not crushed stone.

The issue of trash pick-up is still in the works, with the applicant strongly in favor of individual trash collection for each unit. In the case that this cannot be arranged, the plans now show two dumpster areas, which can be increased to three at Preliminary Plan stage, if that is what the Board wants. Mr. Moorehead notes that a larger development with 45 units has two dumpsters, so that should be sufficient.

Another revision to the plan is that Units 8 & 9 were slightly reoriented to provide better access for fire safety vehicles. The fire marshal has reviewed and approved the revision.

The Chair asked the Board members for comments on the revised plans. Mr. Biliouris asked if there is a limit on the parking for each unit. Mr. Moorehead said that each unit will have two designated parking spaces. All extra parking is for guest use only. Mr. Biliouris also stated that his preference is for individual trash pickup. If that cannot be arranged, he would prefer three dumpsters, for logistical reasons, in order to make the dumpster locations close enough to each unit for the convenience of the tenants.

Mr. Biliouris asked about the traffic safety issue present on Mechanic Street. He asked Mr. Moorehead if he had looked at the problem and whether he came up with any possible solutions. Mr. Moorehead said

that he spent some time studying the intersection and an aerial photograph of the area. The problem is a geometry issue, where the cars exiting Mechanic Street cannot see the cars coming up North Main Street. He stated that if the road was reconfigured to eliminate the existing right turn (Y-intersection) and replace it with a 90-degree right turn, the sight distance would be greatly improved. The problem must be addressed by RIDOT, but Mr. Moorehead said he would help with the discussions between the Town and RIDOT. Mr. Ericson said he would try to get a dialogue started with RIDOT and Mr. Moorehead said he will submit a memo/sketch of the problem and possible solution.

Mr. Cardello asked if the wetlands have been flagged. Mr. Moorehead said they have been flagged, but not yet verified by the DEM. If they are not verified, there is a possibility that it could affect the unit count. Mr. Cardello stated that many of the units (including 2, 3, 4, 8, 9, & 17) have their decks 10' from the wetland edge. He stated that the plan maximizes the developable land, but cautioned that not every piece of real estate is prime real estate and added that he would prefer a reduction of the scale of the project in order to not build so close to the wetlands. Wetlands Scientist Scott Rabideau addressed the Board on the issue of wetlands. He said that he had flagged the wetlands in 2006. He said that Rhode Island regulations on wetlands designate areas of over 3 acres as a swamp and would therefore require 50' perimeter wetlands. There is no such requirement for wetlands areas of less than 3 acres. The total of the three separate

wetlands areas on the property add up to $\frac{3}{4}$ acre, so a 50' perimeter is not required. Mr. Rabideau explained the five functions and values the state puts on wetlands. In this case the wetlands are already very impacted, so he believes the DEM will allow the proposed construction.

Mr. Cardello stated that there is a high water table and drainage issues to be addressed. Units 6 & 7 cross the ASSF. A culvert should be put in to maintain the wetlands. He stated that at Preliminary Plan stage, the Board will need all drainage to be addressed and problems corrected. He said that because of stormwater management issues, the Board will have to be very convinced that all issues can be mitigated or the scale of the development may have to be reduced. The high water table will also require 18" of gravel in the road substructure.

Mr. Ericson referred to photographs of property on High View Avenue and the water running across the street. John O'Hearne stated that one of the outcomes of this project would be better designed detention in this area. Mr. Moorehead said that minimum standards are always to do no harm. They will try to improve the drainage situation, but at minimum it (drainage and stormwater management) will stay the same.

Mr. Cardello also had a concern that units 8 and 9 are still problematic and he can still see people trying to park on the street.

He suggested reducing the size and possibly reorienting the two units in order to pull them away from the wetlands. Mr. Moorehead stated that he can try to increase the size of the buffer and add landscaping around the wetlands areas, but he can't cut back on the number of units too much since it is an affordable housing project and a reduction in scale could affect funding.

The Chair stated that he would like to see wetlands setbacks maximized, but no more than what is required. He said that he does not completely agree that units 8 and 9 need to be eliminated, but maybe one of them could be removed. He stated that the applicant did a good job with the modifications to the original plan, and that it is much better now than what was first submitted to the Board.

Mr. Vowels asked for clarification on the existing drainage and who is responsible for its maintenance. Mr. Moorehead stated that the existing catch basin and pipe system is not in good condition. It includes corrugated metal pipe and appears to not have been maintained well. He will meet with DPW before submitting to DEM to come up with a system, make some improvements, and discuss an easement agreement.

Mr. Cardello said that the letter submitted from the Sewer Commission will need to be corrected, so that the number of units stated in the letter matches the number in the plan.

Mr. Biliouris stated that the overall design of the project can work, but he has issues with density, parking, drainage, and traffic that he would like to see addressed to try to correct some existing problems and be sure no current problems are exacerbated by the development.

Mr. Vowels made a motion for a 5-minute recess at 7:50 pm. Mr. Naylor seconded the motion, with all in favor. The meeting was called back to order at 7:55 by the Chair.

The Chair asked if any members of the public would like to comment. Jane Allard, whose parents live at 28 Mechanic Street, asked to whom residents would turn in the case that constructing the development falls short of what is proposed (in terms of traffic and drainage). The Chair said there will be many more detailed discussions with the applicant in future stages. He said the Board will be spending a great deal of time on the issue of stormwater management and hopefully existing conditions will be improved. Mr. Nadeau stated that once the Planning Board makes its decision, they are removed from the process. At that point, problems will have to be addressed by the Town or privately between neighbors, depending on what the problem is. If the developer failed to construct according to the approved plans, they will be responsible. Mr. Ericson also pointed out that there is a maintenance bond held for a year to be sure that construction holds up. Mr. Cardello stated that at Master Plan stage the project is only about 10 percent designed. The plans will get

much more detailed during Preliminary Plan stage, and the public will be allowed to comment throughout that stage.

No other members of the public wished to speak. Mr. Cardello made a motion to close the public hearing at 8:05 pm. Mr. Vowels seconded the motion, with all in favor.

The Chair stated that the Board would take a series of votes on requested variances, then on the Master Plan approval. He stated that because this is a Comprehensive Plan application, the Planning Board can vote on zoning variances.

1) Rear-yard setback

Mr. Cardello made a motion to approve a rear-yard setback variance to allow a setback of 30' where 40' are required for unit 6. Mr. Biliouris seconded the motion.

Mr. Cardello stated that it seems that the applicant is trying to build on every available square inch. He asked if the cul-de-sac could be offset to the west in order to eliminate the need for a setback variance. Mr. Ericson stated that this would mean that Unit 7 would need a variance and it is better to grant a variance on a unit abutting non-residential property.

Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs. NO: Mr. Cardello, Mr. Vowels, Mr. Naylor. Motion was denied with a vote of

2-3.

2) Density

Mr. Cardello made a motion to grant relief from the maximum multi-family density to allow 95 bedrooms where 32 are allowed. Mr. Naylor seconded the motion.

Mr. Cardello expressed concern that wording the motion as above will mean that the applicant is tied to the 95 bedroom density and will not be able to go below this number. He asked if it could be worded as “not to exceed 95 bedrooms” in order to leave room for a reduction in scale of the project. After discussion, in which Mr. Nadeau pointed out that the number can be reduced but that if they want to add units they will need to ask for a new vote of the Board, Mr. Cardello amended his motion.

Mr. Cardello made a motion to grant relief from the maximum multi-family density to allow a number not to exceed 95 bedrooms where 32 are allowed. Mr. Biliouris seconded the amended motion. Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs, Mr. Cardello, Mr. Vowels, Mr. Naylor. Motion passed, with a vote of 5-0.

3) Multi-family dwellings, apartments (Zoning Ordinance section 5.6.3.7a. 1, 4, 5, 6)

Mr. Biliouris made a motion to grant a variance on the regulations for multi-family development, as outlined in the Zoning Ordinance,

section 5.6.3.7a, #1, 4, 5, & 6. Mr. Cardello seconded the motion.

The Board discussed the request and Mr. Ericson read each above-mentioned sections of the Zoning Ordinance (Section 1—Building Design and Location, 4—Parking, 5—Interior Streets, 6—Road and Parking Area Construction). Mr. Biliouris asked if there is a specific variance requested for each subsection. Mr. Spear stated that whatever the current plans show is the relief requested and the applicant cannot go beyond that.

The Board members had concerns with granting the waivers without specifics of construction plans, especially with regard to road construction. Mr. Moorehead said that they are asking for relief on the pavement width, as discussed earlier. Mr. Spear stated that he will go on record that the applicant will not ask for further relief than what is currently shown on the plans. Mr. Cardello asked if this waiver pertains only to the width of the roads and that any curbing issues be deferred to subdivision regulations. Mr. Nadeau suggested that the Board vote on the curbing waiver first, and then come back to this issue. Mr. Biliouris withdrew his motion. Mr. Cardello withdrew his second of the motion.

4) Road Construction

Mr. Cardello made a motion to vote on each request separately. Mr. Vowels seconded the motion, with all in favor.

1) Mr. Cardello made a motion to grant a waiver to allow the road

width to be reduced from 30' to not less than 20' in areas where there is no parking. Mr. Vowels seconded the motion. Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs, Mr. Cardello, Mr. Vowels, Mr. Naylor. Motion passed, with a vote of 5-0.

2) Mr. Vowels made a motion to grant a waiver from the requirement of granite curbing. Mr. Biliouris seconded the motion. In its discussion, the Board voiced concern about the use of bituminous berm. Mr. Moorehead said he will take out that request. Mr. Vowels amended his motion to state that bituminous berm would not be allowed, but that granite curbing may be allowed. Mr. Biliouris seconded the amended motion. Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs, Mr. Vowels. NO: Mr. Naylor, Mr. Cardello. Motion passed, with a vote of 3-2.

3) Mr. Cardello made a motion to grant a waiver on the requirement of concrete sidewalks and to allow the construction of bituminous sidewalks. Mr. Naylor seconded the motion. Mr. Cardello stated that bituminous sidewalks tend to heave and crack within five years and that concrete sidewalks last much longer. He also stated that the applicant had previously stated that they would construct 6' wide sidewalks instead of 5'. He asked that they work that into the plans. Mr. Moorehead stated that they will plan for concrete sidewalks but are asking for bituminous as a backup. Mr. Cardello said he is concerned that the applicant will show concrete on the plan then not build according to the plan. He asked that what is shown on the plan

be constructed. Mr. Spear withdrew the applicant's request for a waiver and said they will plan on constructing concrete sidewalks.

5) Rear-yard Setback, amended request

Mr. Spear asked the Board to consider a variance to grant a 35' rear-yard setback for Unit 6, where 40' is required. Mr. Cardello asked that the applicant also add vegetative screens, and the applicant agreed. Mr. Cardello made a motion to grant the requested variance. Mr. Biliouris seconded the motion. Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs, Mr. Cardello, Mr. Vowels, Mr. Naylor. Motion passed, with a vote of 5-0.

6) Multi-family dwellings, apartments (Zoning Ordinance section 5.6.3.7a. 1, 4, 5, 6)

Mr. Cardello made a motion to grant a variance on the regulations for multi-family development, as outlined in the Zoning Ordinance, section 5.6.3.7a, #1, 4, 5, & 6. Mr. Vowels seconded the motion. Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs, Mr. Cardello, Mr. Vowels, Mr. Naylor. Motion passed, with a vote of 5-0.

Master Plan Approval

Mr. Cardello asked that the applicant agree to reconstruct Florence Avenue as a condition of Master Plan approval. Mr. Nadeau stated that there is no existing ordinance that mandates complete reconstruction for an off-site road. Mr. Cardello and Mr. Biliouris stated that the applicant had agreed to do this in a previous meeting.

Mr. Nadeau stated that it can be added as a note on the plan, not a condition of approval.

Mr. Cardello also asked that the applicant agree on a minimum distance between wetlands and all constructed decks. Mr. Nadeau stated that there is no testimony that contradicts that the decks will be less than 10' from wetlands. Mr. Cardello made a motion to require a minimum of 20' be held from any construction to any existing or proposed wetlands in order to protect the environmental features. Mr. Naylor stated that he understands where Mr. Cardello is coming from as far as his concerns, but since the plans have not yet been reviewed by DEM, it is premature to make this motion. Roll call vote was as follows: YES: Mr. Cardello NO: Mr. Biliouris, Mr. Gibbs, Mr. Vowels, Mr. Naylor. Motion did not pass, with a vote of 1-4.

Mr. Moorehead said the applicant will do their best to maximize setbacks and try to meet Mr. Cardello's suggestion.

Mr. Cardello made a motion to approve the Master Plan for Marshfield Commons, based on the listed findings of fact:

(A) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

(B) The proposed development is in compliance with the standards

and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.

(C) All low and moderate income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

(D) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.

(E) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.

(F) All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5).

(G) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building

standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

Mr. Cardello added the condition that the applicant shall acknowledge the Planning Board's right to require design changes at the Preliminary Plan stage that may be needed to meet stormwater management requirements, and that the applicant shall acknowledge the Planning Board's right to request design changes including, but not limited to a reduction of the project.

Mr. Vowels seconded the motion. Mr. Biliouris asked if there are any market-rate units proposed. Mr. Ericson stated that all units are low and moderate income units, as stated in his notes to the Board.

Roll call vote was as follows: YES: Mr. Biliouris, Mr. Gibbs, Mr. Cardello, Mr. Vowels, Mr. Naylor. Motion passed, with a vote of 5-0.

5. Pre-application review: Proposed Anchor Subaru storage parking expansion on 146A north of the Sayles Hill Rd intersection

Attorney Bill Bernstein was present for the applicant (Anchor Subaru/Robert Benoit, owner). He informed the Board that the same application was heard by the Planning Board in September 2008, but because there are four new Board members, he wants to bring the Board up to date. The application consists of the same plan and

same concept. The applicant wants to use an area of the property for loading and unloading of vehicles so it will not have to be done right on Route 146.

The applicant has already secured RIDOT approvals for the modifications to the curb cuts (Physical Alteration Permit). The application is much further along than is usual for pre-application review. Mr. Benoit stated that he has recently purchased a Nissan franchise, which puts him under certain time constraints with regard to this application. As part of the conditions in acquiring the Nissan franchise, he has to make certain changes to the outside of the facility to meet Nissan's specifications. These changes would be with regard to signage, etc., and would not include additional buildings. He had to sign a termination agreement with Nissan, which means that if he does not meet certain criteria in their timeframe, they can take back the franchise license.

Mr. Benoit stated that with the new franchise, he expects to employ an additional 60 people. He will increase storage and would like to get the trucks off the road for loading and unloading. There will be no customer traffic in the area where trucks are unloading. Traffic will be routed across the facility, with almost all cars entering and exiting at the red light at Sayles Hill Road.

Engineer Joe Casali outlined the changes to the property. The applicant is not proposing to construct a building and there will be no

changes to the existing utilities, but impervious area will be added. The site does have freshwater wetlands, but the applicant has gotten wetlands verification and an insignificant alteration permit from DEM. Marc Nyberg has also conducted a soil evaluation. Mr. Casali said that the applicant will use low-impact design when possible, but infiltration is difficult due to the high water table. There will be oil/water separators in the drainage design.

Mr. Cardello suggested using grass pavers for the back lot that is mainly used for inventory storage. After discussion, it was decided that due to snow removal concerns, this will not work for this application.

Mr. Casali also shared the detailed plans for the curb line and Physical Alteration Permit with the Board. Traffic engineer Paul Bannon stated that the sight line for trucks will be greater than 575' (currently it is 250'), which is more than adequate.

The Chair suggested using LED lighting. Mr. Benoit stated that he has already met with someone about that and plans to phase them in.

Mr. Naylor asked how they would mark the truck entrance to assure that cars do not use it. Mr. Benoit said he is willing to do whatever the Board wants, including signage or automatic gates.

Mr. Naylor asked if there would be any blasting on the site during

construction. Mr. Casali said there will not be any blasting. He also asked about a back exit to the site, off Sayles Hill Road. He recalled that during the 2008 hearing an abutter was opposed to this. Mr. Benoit said that there is no longer a need for that and it has been taken out of the plans. He added that there is extra land in the back that will serve as a buffer for abutting properties.

Mr. Cardello asked about the existing variable message sign and whether or not it was in compliance with the Town sign ordinance. Mr. Benoit said that it is in compliance and also stated that additional Nissan signage will be a fixed pylon sign.

Mr. Bernstein asked that because the application is much further along than a typical pre-application plan and due to time constraints with the addition of the Nissan dealership, he would like to know if the Board will combine the Master Plan and Preliminary plan stages of the application into one meeting. He stated that the applicant will consider all the Board's concerns that were mentioned this evening before coming back. The Chair asked Mr. Nadeau if the Board could do that. Mr. Nadeau stated that if they could come to the Master Plan meeting with plans that meet Preliminary Plan requirements, the Board could hold two votes, first for Master Plan approval, then for Preliminary Plan approval. Mr. Bernstein stated that the ordinance allows for this. Mr. Nadeau stated that the proper notice will have to be given before the meeting, and in answer to the Chair's question, he stated that the Board will not be required to vote on the

Preliminary Plan if they are not ready to do so at the same meeting.

Mr. Cardello made a motion to extend the meeting by 5 minutes at 10:00 pm. Mr. Vowels seconded the motion, with all in favor.

6. CDBG review: 2010 application for review and approval

The Board had been given copies of the CDBG application to review prior to the meeting. Mr. Naylor made a motion to state that the Planning Board has reviewed and approved the contents of the application. Mr. Biliouris seconded the motion, with all in favor.

7. Capital Budget Review: Police, Fire & Rescue

Mr. Naylor made a motion to pass the capital budget requests from the Police Department and Fire & Rescue along to the Town Council without further comment. Mr. Cardello seconded the motion, with all in favor.

8. Planning Update: Review of current events

There was no discussion of current events.

Mr. Cardello made a motion to adjourn at 10:05 pm. Mr. Naylor seconded the motion, with all in favor.