

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, September 2, 2010, 7:00 PM

The Chair called the meeting to order at 7:05 pm.

1. Roll Call

Present: Chair Scott Gibbs, Alex Biliouris, Dean Naylor, Gene Simone, Stephen Vowels, Art Bassett (arrived at 7:20 pm). Absent: Joe Cardello. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: July 6 and 15, 2010

Mr. Vowels made a motion to approve the minutes of July 6, 2010. Mr. Naylor seconded the motion, with all in favor.

Mr. Naylor made a motion to approve the minutes of July 15, 2010 as amended. Mr. Simone seconded the motion, with all in favor.

3. Informational meeting for Major Land Development Master Plan

Applicant: Robert Benoit (Anchor Subaru)

Location: Between 629 and 679 Greenville Road, Plat 17, Lots 16, 80, 84, 85, 142, 167 & 231. Zoning: BH

The Chair announced that despite the agenda listing this hearing as an informational meeting, it is a public hearing and public comment is invited. Mr. Ericson gave the Board a brief summary of the application, pointing out two concerns: 1) way-finding within the site and 2) request for relief from landscaping requirements may be better deferred to Preliminary Plan review. For the first issue, he suggested that painting arrows on the pavement might make it even easier for customers to navigate within the site. As to the landscaping, he explained that the applicant is seeking a waiver on some plantings because they may interfere with the view of the cars on the lot. Mr. Ericson stated that there are many low-growing plants, such as creeping juniper, that are even lower than the existing 2' Jersey barriers on the site.

Attorney Bill Bernstein was present for the applicant, owner Robert Benoit. Mr. Bernstein stated that the application meets all checklist items and required permits have been obtained from DEM and DOT. He said he wanted to stress that the Master Plan does not include any new buildings or ask for a new use. He stated that the main change is improved ingress and egress for car carriers so that loading and unloading of cars no longer will take place on Route 146.

Mr. Benoit stated that he has recently taken on a Nissan franchise and with it has employed 35 new employees. By next spring, he anticipates hiring an additional 35. His new franchise was granted by Nissan with some contingencies, including additional parking for

vehicle inventory.

Traffic engineer Paul Bannon stated that the intent of the project is to provide additional inventory parking, better access, and a separate delineated area for car carriers. The improved egress point has adequate sight distance, based on the traffic study completed. DOT has concurred with his findings.

Professional engineer Joe Casali repeated that the site improvements are to create inventory parking and access for car carriers. He stated that the proposed changes required a DEM insignificant alteration permit. There will be a stormwater drainage system and changes to the grading of the property. Mr. Biliouris asked about any proposed changes to the shoulder approaching the property. Mr. Casali stated that there are no proposed changes to the curbing and no plans for an acceleration or a deceleration lane.

Mr. Naylor asked that the area for car carriers be clearly marked so that no customers accidentally access the property through that area. Mr. Bannon stated they will work with the town to plan for proper signage within the site. Mr. Naylor also expressed concern with accessing the property from Route 146 and stated that it is a very dangerous traffic situation for travelers on the highway. Mr. Benoit stated that the employee parking lot is accessed from Route 146, but one of the proposed changes is to connect all the lots so that all access is from Sayles Hill Road. Mr. Naylor also asked about the sight

distance. Mr. Bannon stated that it will be 575' which is more than what is required.

The Chair asked about the maintenance plan on the drainage basins. Mr. Casali stated that it is not specified on the plan, but it will follow standard procedures, including yearly maintenance and additional clean-outs for extreme inclement weather. He added that they can make a maintenance plan to add to the plans. The Chair also asked that areas set aside for snow storage be shown on the plan. He also asked the applicant about schematics on the parking lot lights. Mr. Casali stated that there should be a cut sheet on plans, but it can be provided if it is not there.

The Chair opened the meeting to the public, but there was no one who came forward to speak on the application.

Mr. Ericson asked for clarification on which lots are subject to this application. The lot numbers listed on the cover sheet do not match those listed on page 3. He suggested that the motion include the elimination of lots 16 and 142 as a condition of approving the Master Plan. Mr. Casali stated that the plans can be modified to include that change.

Mr. Naylor made a motion to approve the Master Plan with the condition that it be resubmitted to the Town Planner showing the elimination of lots 16 and 142. At the time of resubmission with that

revision, the Master Plan will be approved administratively. The motion also stated that the request for the waiver on landscaping will be deferred to Preliminary Plan stage. Mr. Biliouris seconded the motion, with all members voting in favor. Motion passed, with a vote of 5-0.

Mr. Naylor made a motion to change the agenda order to hear item #4 after items #5 & 6. Mr. Vowels seconded the motion, with all in favor.

4. Request for right-of-way through Plat 16, Lot 136

Marc Nyberg is seeking to gain access through Union Hill Estates open space to property owned by James A and Claire I MacInnes, Plat 16, Lot 95.

Marc Nyberg was present for James and Claire MacInnes. They are trying to create a right-of-way in order to construct a single-family home. They are requesting that this access be created through town-owned open space land on Pomona Street. Mr. Ericson stated that from a legal perspective, it is feasible, as there is no deed restriction or conservation easement on this land. The Board should consider whether they think it is advisable.

The Chair asked if it is customary to not put deed restrictions on open space property. Mr. Ericson said it is very commonly done. Mr. Biliouris expressed concern about setting precedence, since there is so much open space land in town. Mr. Vowels agreed with this. He

asked if access was possible from Grange Road. Mr. Nyberg said that it would have to be a very long driveway in order to come in from Grange Road and that he is not sure of the conditions of the site coming in that way. Mr. Naylor agreed with the concern about setting precedence and stated that he is against the request. Mr. Simone asked Mr. Nyberg to point out on the map the location of the proposed driveway. Mr. Nyberg pointed it out and stated that it would be a 500' driveway.

The Chair stated that he is not entirely against the idea, but he does not think the Planning Board should approve such a request without a clearly defined policy.

Mr. Simone made a motion to reject the request for access to Lot 95 through town open space. Mr. Vowels seconded the motion, with all members voting AYE on the motion. The applicant's request was denied, with a vote of 5-0.

5. Ordinance reviews: Stone walls, parking and loading, ATV ordinance amendments

Mr. Ericson stated that the Zoning Ordinance refers to fines that come with zoning violations. The new town municipal court will be addressing zoning violations, but Mr. Ericson pointed out that the fines listed are maximum fines and it is up to the court's discretion to set fines up to the maximum.

a) Stone wall Ordinance

Paul Soares was present to represent the Ordinance Review Committee (ORC). He stated that the ORC would like to make changes to the ordinance and they do not need feedback from the Planning Board at this time.

Mr. Biliouris suggested that ORC look at this issue from the perspective of the property owner and how it may affect property rights. Mr. Soares stated that the ORC is using a book as guidance, which will be submitted with the final ordinance. The book explains the importance of stonewalls and contains information on how to determine the age and historical significance of the walls. The proposed ordinance will be submitted to the Planning Board for review when it is completed.

b) ATV Ordinance

Mr. Ericson stated that this is not a Zoning Ordinance, but a regular Town Ordinance. Paul Soares addressed the Board to explain the recommended additions to the existing ordinance. The changes have been adapted from the Methuen, MA ordinance and addresses the nuisance factors associated with ATV use. The proposed ordinance addresses times of use, noise disturbances, and exceptions (agriculture use, loading and off-loading of ATVs). The recommended additions are made with the purpose of protecting the character of the town and peace and quiet for neighbors.

Mr. Biliouris made a motion to recommend the passage of the ordinance (to include the restrictions and exceptions outlined in 15.13 b) to the Town Council. Mr. Vowels seconded the motion, with all in favor.

c) Parking Ordinance

Mr. Ericson gave the Board a brief summary of the proposed ordinance. The Board had a copy with changes highlighted. Changes included taking out outdoor lighting (this will be addressed later), setting aside land for future parking when developing property, and using a ratio based on square feet rather than number of employees for warehouse buildings. Mr. Biliouris suggested holding the discussion at a later meeting in order to give the Board more time to read through the proposed changes. The Chair agreed with this suggestion. Mr. Ericson stated that he will place the review of the parking ordinance on the next agenda.

6. Recommendation on abandonment of a paper street (Moore Ave.)

Petitioner: Brett Farbstein

Mr. Ericson explained the request to the Board. Town resident Brett Farbstein has requested that a paper street, Moore Avenue, be abandoned. Common practice would be for the area to be divided among the abutters and added according to their frontage on the

paper street. The Chair asked if the largest lot could then be subdivided, but Mr. Ericson stated that it does not have enough area. Mr. Ericson stated that the advantages of abandoning the street is that 1) it eliminates indefensible land area and 2) puts the land back on the tax rolls. The Town Council referred the request to the Planning Board for comment and has already stated that it will not approve the request if it means that the Town will have to pay. Mr. Ericson stated that the neighbors could pay for the necessary Class 4 survey themselves (approximately \$1500-3000, split among the 5 abutters).

Mr. Biliouris stated concern about creating a neighborly dispute and cautioned that all neighbors should be notified before any final decisions are made.

Mr. Naylor pointed out that by leaving a paper street on record, it opens up the possibility that a home could be built on a substandard lot.

Mr. Vowels suggested finding out if there are any utilities running under this land before dividing up the property among the neighbors.

Mr. Vowels made a motion to recommend the abandonment of the paper street, as a matter of good planning practice, but with the recommendation that all abutting property owners be notified by the Town Council in advance of the hearing, and that subterranean

utilities be examined. Mr. Simone seconded the motion, with all in favor.

7. Planning Update: Review of current events

Mr. Ericson informed the Board that one of the upcoming matters is a proposal by the developers of The Blunders to trade permission to sell three frontage lots for permission to sell two interior lots. PARE Engineering has said that the interior lots are sufficient for development, and the Town is on the hook if the subdivision fails (goes bankrupt).

Chairman Gibbs thanked Town Administrator Paulette Hamilton and Alex Biliouris for their actions in getting the grass cut at the empty ATP manufacturing site.

Mr. Vowels made a motion to adjourn at 8:50 pm. Mr. Naylor seconded the motion, with all in favor.