

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, October 7, 2010, 7:00 PM

The Chair called the meeting to order at 7:04 pm.

1. Roll Call

Present: Chair Scott Gibbs, Gene Simone, Dean Naylor, Alex Biliouris, Joe Cardello, Art Bassett (arrived at 7:32 pm). Absent: Stephen Vowels. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: September 16, 2010

Mr. Naylor made a motion to approve the minutes of September 16, 2010. Mr. Biliouris seconded the motion, with all in favor.

3. Public Hearing for Major Land Development Preliminary Plan, Anchor Subaru

Applicant: Robert Benoit

Location: 949 Eddie Dowling Highway, Plat 17, Lots 80, 84, 85, 142, 167 & 231, Zoning: BH

Attorney William Bernstein informed the Board that the applicant is

returning to address issues and recommendations from the Master Plan hearing. Joe Casali, project engineer, addressed the Board and gave an executive summary of the changes. He also pointed out that Lot 142 should not be listed as part of the Preliminary Plan (it is listed on the agenda). The issues addressed included the following: fortified landscape plan, signage at the entrance to show truck/delivery entrance only, delineated snow removal areas, pavement markings for way-finding within the site, lighting specification, maintenance schedule for drainage and detention system, and removal of lots 16 & 142 from the plans.

Mr. Ericson suggested using the wording “Delivery Entrance” rather than “Truck Entrance” to be sure that no customers enter the delivery area. Mr. Cardello asked about the signs along Route 146. Mr. Bannon stated that all signs are located on private property, so no permit is required. Mr. Cardello also asked about the proposed walls. Mr. Casali stated that they will be segmented block walls. The Board also discussed whether logos on the walls would be considered signs. Mr. Ericson stated that it is a zoning issue, so the applicant will have to see the Building Official for approval.

Traffic engineer Paul Bannon gave detailed information on the signage within the site. He stated that he will work with Mr. Ericson on exact wording for the delivery entrance sign. Mr. Naylor expressed his concern with traffic safety and urged the applicant to be sure that adequate signage is placed to direct customers to the proper

entrance. Mr. Cardello stated that there may need to be a “One Way” sign placed on the median to direct trucks upon exiting the delivery area.

Mr. Ericson stated that the plan has been reviewed by the Southern Conservation District and received a good report.

Mr. Biliouris made a motion to approve the Preliminary Plan with the condition that Item 3 of the drainage system maintenance schedule on sheet 2 of the site plans should be amended to state that “sediments shall be removed from the catch basin sumps at the time of the annual inspection.” Mr. Cardello seconded the motion and suggested that the motion be amended to include the condition that a One Way sign be added to the median on Route 146 in accordance with the Manual on Uniform Traffic Control Devices and Rhode Island DOT approval. Mr. Biliouris amended his motion to include that condition. Mr. Cardello seconded the amended motion. Planning Board vote was as follows: AYE: Mr. Gibbs, Mr. Biliouris, Mr. Simone, Mr. Naylor, Mr. Cardello. Motion passed with a vote of 5-0.

4. Review and recommendation on consistency with Comprehensive Plan for proposed rezoning of Assessor’s Plat 1, Lots 127, 134 and 330 from RA to RU-20 (Silver Pines II)

Attorney Richard Kirby addressed the Board. He is proposing that the ownership of three parcels of land be combined and that the property

be rezoned in order to accommodate an assisted living facility. The land was previously proposed as a haul road for the second phase of Silver Pines, but it has not yet been constructed. The applicant is seeking the Board's recommendation with regard to the proposal's consistency with the North Smithfield Comprehensive Plan.

Mr. Ericson informed the Board that the Town Administrator and others have reviewed the proposal and believe it makes perfect sense for that location and the town's needs. He stated that the Board should consider the specific definition of the facility (i.e., nursing, assisted living), as elderly housing generally connotes low-income housing. He stated that the Comprehensive Plan does not specify that this type of housing is deficient, but the proposal is consistent with the plan on the basis of the reference to increased density in villages.

Mr. Biliouris asked about the taxable elements of the plan. Mr. Nadeau informed the Board that they cannot determine consistency with the comprehensive plan based on economics. Mr. Kirby stated that the facility will be privately-owned and 100% taxable. Mr. Naylor stated that he is concerned with infringing on the rights of the abutters and asked how it will affect home values of the houses in the area. Mr. Kirby stated that these issues will be addressed to the Town Council on the petition to rezone, but added that it will not have a detrimental effect on the surrounding homes or the applicant's Silver Pines development. It will be set back from the road. Mr. Nadeau cautioned

the Board that questions like this are in the purview of the Town Council. Abutters will be notified of the public hearing and will have the chance to ask these questions at the Town Council meeting.

Mr. Naylor asked if the property had water and sewer available. Mr. Kirby stated that it did, specifying that it will use public sewer available on Route 102.

Mr. Cardello made the following motion: The Planning Board finds the proposed rezoning of Plat 1, Lots 127, 134, and 330 is consistent with the North Smithfield Comprehensive Plan, referencing increased density in villages, subject to the condition that the rezoning is restricted to assisted living facilities, nursing facilities, or 55+ active living facilities. Mr. Biliouris seconded the motion. Planning Board vote was as follows: AYE: Mr. Gibbs, Mr. Biliouris, Mr. Simone, Mr. Naylor, Mr. Cardello. Motion passed with a vote of 5-0.

5. Reconsideration of Ed Iannone's request for right to sell two interior lots in exchange for giving up the right to sell lots 8, 9 and 17 fronting Greenville Road (Twin Realty--The Blunders)

The Chair reminded the Board what happened at the previous meeting. The Board approved a motion that authorized Mr. Nadeau and Mr. Ericson to prepare an escrow agreement to a level to pay for all remaining costs identified by Pare Engineering. It was the Board's intention that 100% of sales be put into the escrow account and this

money can be pulled from in order to pay for the work outlined by Pare. There was some confusion on the part of the applicant, who is now asking to get a bond for the amount instead of putting money from sales into an escrow account. Mr. Iannone stated that he thought that the Board approved his initial request that \$30,000 from each sale be put into the escrow account until the account reached 100% of the cost of remaining work. He stated that he will not be able to put 100% of the sales money into the account, so he will get a bond for the amount if the Board will approve this request.

The Chair stated that the posting of a bond is consistent with the rules in place. Once the bond is posted, the applicant can sell whatever lots he wants to sell. The Board reviewed Pare's report and agreed with the work to be completed and the amount specified (\$120,548.50).

Mr. Cardello made a motion to accept Pare Engineering's number for the costs for completion of the remaining work on The Blunders as a basis for defining the bond. Mr. Simone seconded the motion, with all in favor.

6. Land Development and Subdivision Regulations and Ordinances:
Discussion of proposed amendments to Land Development and Subdivision Regulations, ATV ordinance and zoning enforcement procedures.

ATV Ordinance

This ordinance was already voted on by the Planning Board at a previous meeting, however it has been revised to exempt utilitarian purposes, such as snow clearing, wood hauling, and yard clean up. Paul Soares was present to represent the Ordinance Review Committee. He informed that Board that they had received a letter from a resident questioning why they could not use their ATV for such uses. He agreed that there should be exceptions for such use and therefore made amendments to section D. He asked the Board to vote on whether they recommend these amendments. He added that the ORC has not yet voted for the amendment because they have not had their meeting yet. Therefore, the Planning Board should vote based on approval by the ORC.

There was one member of the public who asked to speak against the ordinance. The Board granted him permission to speak, but they were not allowed to respond to his concerns because this is not a public hearing. They advised him to attend the Town Council's public hearing.

Mr. Biliouris asked why dirt bikes were not included in the ordinance, but Mr. Soares clarified that dirt bikes are considered ATVs, so they do not have to be specified within the ordinance.

Mr. Naylor made a motion that, after approval of the amendment to section D by the Ordinance Review Committee, the Planning Board

recommends the approval of the ATV ordinance by the Town Council. Mr. Simone seconded the motion, with all in favor.

Mr. Cardello stated that he is concerned that ordinances are being written in response to a small number of complaints. He made a motion that the Planning Board rescind its recommendation to the Town Council on the amendments to the ATV ordinance. Mr. Biliouris seconded the motion. Planning Board vote was as follows: AYE: Mr. Cardello. NO: Mr. Gibbs, Mr. Biliouris, Mr. Naylor, Mr. Simone. Motion was defeated.

The Chair added that in defense of Mr. Cardello, he is also a property rights person and agrees that there are in general too many regulations on land use.

Zoning Ordinance

The Board discussed some revisions to the Zoning Ordinance and Land Development and Subdivision Regulations, as proposed by Mr. Ericson. He has been working with Building Official Bob Benoit to correct some technical and editing errors in the documents and will be presenting the revisions to the Town Council.

The first proposed revision is: Section 7.1: Administration and enforcement A. Zoning Inspector 7) collection of fines for violations Mr. Ericson proposed to change it to: 7) issuance of ordinance complaints to Municipal Court for violations.

The Board agreed to that revision.

Land Development and Subdivision Regulations

Article II: Definitions

Minor Subdivision/Land Development Plan: Any nonresidential is a Major Subdivision/Land Development Plan. This is required by RIGL 45-23-32 and greatly increases the cost of preparing an application. If a waiver is required it becomes a Major Subdivision/Land Development Plan. This is also required by RIGL and greatly increases the cost of preparing an application. Mr. Ericson commented that the Town needs to control the cost of checklist requirements.

Article 4-1(F) Site Context Map

Mr. Ericson questioned why the Town requires a two mile radius rather than a half mile or one mile. He stated that the Town did not have an accurate set of plat maps until a month ago and added that the Town does have all the layers they ask for from applicants. He suggested going with a half mile radius, as that is what is required in most other municipalities. He also suggested giving the applicant a copy of the Town's Zoning map and have them add their radius circle.

Article 5-2: General Design Standards (F) Lot Design Standards

Mr. Ericson stated that the restriction on interior angles greater than 200 degrees can be avoided by radiusing the corner. He suggested limiting it to 200 degrees of change over a 20' distance. He strongly recommended exempting corrective administrative subdivisions from this requirement when there are no other reasonable options. Mr. Cardello stated that this standard was made to preserve uniformity of lots and prevent hockey stick lots and suggested that it can be changed by waiver. Mr. Ericson stated that the waiver would mean that the request becomes a major rather than a minor application, which is what he is trying to avoid.

Article 5-14: Drainage Structures and Facilities

(A) Mr. Ericson stated that in general, stormwater management systems should be “designed to minimize the volume and rate of runoff,” but not in all cases. For example, DEM does not want projects starving existing wetlands. DEM has jurisdiction over peak rate of runoff, not length of peak rate and not total volume. The Town could set limits to additional runoff volume. The Town has nothing on detention basin design relative to setbacks from property lines.

Checklist H: Major Land Development/Subdivision Master Plan

Mr. Ericson stated that there are some unnecessary items on Checklist H and the Board should go down the list and decide what is important. He stated that the Town should be in the business of accurate and expeditious review, not generating Certificates of

Incompleteness. He suggested using the checklist from Lincoln as a guide.

Mr. Ericson also discussed the Technical Review Committee and how it would make the processing of applications much smoother. The committee would consist of the Town Planner, the DPW director, the fire marshal, the Zoning Official, and a member of the Planning Board. The Chair suggested that the applicant be invited, and if the applicant is there, the Planning Board should NOT have a representative there.

Finally, the Board discussed site visits and agreed that they should be optional and only if necessary. They should also only be conducted on request of the Planning Board to the applicant.

7. Planning Update: Review of current events

The Board did not discuss any current events.

Mr. Cardello made a motion to adjourn at 9:25 pm. Mr. Naylor seconded the motion, with all in favor.