

North Smithfield Planning Board Meeting

Kendall Dean School, 83 Green Street

Thursday, January 20, 2010, 7:00 PM

The Chair called the meeting to order at 7:07 pm.

1. Roll Call

Present: Chair Scott Gibbs, Dean Naylor, Alex Biliouris, Dr. Lucien Benoit, Joe Cardello, Art Bassett. Absent: Gene Simone. Also present was Town Planner Bob Ericson.

2. Approval of Minutes: January 6, 2011

Dr. Benoit made a motion to approve the minutes of January 6, 2011 as corrected. Mr. Naylor seconded the motion, with all in favor.

3. Stop & Shop Fuel Station: Major Land Development

Preliminary Plan (including public hearing)

Owner/Applicant: Gas Development LLC

Location: 35 Eddie Dowling Hwy, Assessor's Plat Assessor's Plat 21, Lot 67

Zoning: BN (Neighborhood Business)

Mr. Ericson informed the Board that when the applicant last appeared

before the Board, they had already gone through the comments submitted by engineer Joe Casali and responded to the suggestions. The HydroCad report has been rerun and a new version has been submitted. Another issue is in obtaining a letter of sewer availability from the Sewer Commission. Sewers are available, but the new commission tabled the request in order to be sure that the applicant could tie in to the sewer line or that the owner would deed the land to the town. Russ Carpenter has stated that sewers are available at the site. The Chair stated that if the Board acts on the plan at this meeting it will be with the condition that official proof of sewer availability is submitted.

Engineer Conor Nagle represented the applicant to address five items from a letter submitted to the Board by Casali Engineering. The items are listed below:

Mr. Nagle stated that the items on the list have been addressed. For #4, Mr. Nagle stated that the level spreaders are concrete, cast-in-place and no maintenance is required. He did say that they could be inspected. He also added that for #5, a stamped and signed survey plan will be submitted.

The Chair stated that he noticed that the width of the sidewalk is still being shown as 4.5'. Mr. Nagle replied that they will be 5' wide, as approved by RIDOT. He stated that a copy of that approved plan can be provided to the Planning Department.

Mr. Cardello asked about the erosion control maintenance. The applicant's attorney, Paul Ryan, stated that RIDEM made this part of their permit approval and that the plan meets all 2011 standards of the new DEM regulations.

The Chair asked if there were any members of the public who wished to comment on the application. There was no one present. Mr. Cardello made a motion to close the public hearing. Mr. Naylor seconded the motion, with all in favor.

Mr. Biliouris made a motion that the Planning Board send a favorable recommendation to the Zoning Board for a special use permit for "Automotive fueling area" under the North Smithfield Zoning Ordinance Section 5.4.7(6). Dr. Benoit seconded the motion. Roll call vote was as follows: YES: Mr. Gibbs, Mr. Naylor, Mr. Biliouris, Dr. Benoit, Mr. Cardello. Motion passed, with a vote of 5-0.

Mr. Naylor made a motion to approve the Stop & Shop Fuel Station Preliminary Major Land Development Plan, dated December 15, 2010, for Plat 21, Lot 67, with the following conditions: 1) Approval of a special use permit for "Automotive fueling area" under the North Smithfield Zoning Ordinance Section 5.4.7 (6), 2) Filing of annual inspections and reports with the Town Planner, 3) construction of ADA compliant sidewalks, consistent with the approval of RIDOT plan, 4) Updates and answers to the letter submitted to the Board by Casali Engineering, dated January 17, 2011, specifically items # 1,2, 4,

& 5, and 5) submission of a letter from the Sewer Commission attesting to the availability of sewers for the applicant. Roll call vote was as follows: YES: Mr. Gibbs, Mr. Naylor, Mr. Biliouris, Dr. Benoit, Mr. Cardello. Motion passed, with a vote of 5-0.

4. Comments by Marc Nyberg: Land Development and Subdivision Regulations Article V, 5- 2(F)(2); Zoning Ordinance 5.5.3.1(f).

Mr. Ericson informed the Board that Marc Nyberg had asked to speak about the rule on no interior angle greater than 200 degrees. He has a couple of projects in the works that are affected by this restriction. Mr. Ericson also pointed out an error in the Zoning Ordinance, Section 5.5.3.1 (f). Contrary to what it states, a 20% slope is not equivalent to “one foot vertical for every four feet of horizontal run.” The latter would be a 25% slope (1 in 4 = 25 in 100), and the more restrictive 20% clause prevails.

Mr. Nyberg asked the Board to clarify whether the regulation pertains to pre-development or post-development conditions. He also stated that the 200 degree requirement will result in round lots. Mr. Cardello agreed that too much emphasis is being put on the 200 degrees, rather than the intent of the regulation which was to prevent flagstick lots. Mr. Nyberg also stated that he had been informed that the requirement will be changed, and he has two projects waiting on this change. Other than this requirement, they would be administrative subdivisions, since only lot lines are being changed; no new lots are

being created. Due to this regulation, it becomes a minor subdivision, which needs to meet all checklist requirements and be reviewed by the Board. Mr. Ericson stated that since the rule has not yet been changed, the immediate fix could be that the plan is submitted as a minor subdivision with the Board granting a waiver on all checklist requirements beyond the administrative subdivision checklist. The Chair and the Board agreed that this would be good planning practice.

Dr. Benoit asked that the error in the Zoning Ordinance be corrected. Mr. Ericson stated that he has been working with Building Official Bob Benoit to identify all errors, and that they will be corrected in the future.

5. Dowling Village: Proposed southern intersection opening, loop detection phase

Mr. Ericson updated the Board on the entrance to the Dowling Village site. Leonard Bradley spoke with RIDOT about installing a loop detection light. He was told that it is not possible to activate the light until the store is opened (probably August). Mr. Cardello also stated that since the traffic does not demand the light, it's not warranted at this time.

6. Land Development and Subdivision Regulations: Discussion of proposed amendments to Land Development and Subdivision

Regulations.

Mr. Ericson discussed some of the proposed amendments to the regulations. His goal in amending the regulations is to make plan reading easier for all, including those not experienced in reviewing plans. One of his suggestions was that half-scale copies of the plans be used, but the Board stated that they would rather get the full-size plans. Mr. Ericson agreed that unless otherwise requested, he will continue to provide full-size plans to the Board for review. They all discussed details of the plans themselves that will make the process of reading them easier. These included details of the legend, perimeter boundaries, scale, directory information on all involved in the plan (surveyor, landscape architect, other design professionals), inclusion of table of requirements for the applicable zoning district(s), and notation of property owner with book and page number of the deed. They also discussed using a standard for noting elevations that will be consistent among all plans submitted.

7. Capital Budget Requests: Request from Town departments.

The Chair stated that he understands it is required that the Planning Board review capital budget requests, but he thinks it is unnecessary, especially since the Town has a budget committee and a capital improvement committee. Dr. Benoit made a motion to move the capital budget requests to the budget committee with no action by the Planning Board. Mr. Naylor seconded the motion, with all in favor.

8. Innovation and Continuous Improvement: Discussion of ways to improve the planning process.

The Chair stated that his goal is to move beyond rhetoric of the Town becoming more business-friendly and be proactive in making a system that is more accountable, more responsive, and more sensitive to time issues in the planning process. He would like to see the Planning Board reach out to the Zoning Board to try to re-engineer the process to become more responsive. His goal is to blaze a trail in improving the process and asked Mr. Ericson to start looking into finding some grant money available for innovative regulatory processes. He stated that this is long overdue and the Town is often faced with multi-jurisdictional issues. Joint meetings would help to avoid inconsistencies among the different town entities and boards. He also stated that the town is behind the times in technology. He would like to see the Town get aggressive with energy efficiency, stating that good developers do not mind this. His overall goal is for civility, collaboration, and communication across the Town in the planning process.

Mr. Ericson stated that he will begin to look into grant money availability, agreeing that innovative work within the Town creates a great reputation which will lead to attracting more business.

9. Planning Update: Review of current events

The Board did not discuss any current events.

Mr. Cardello made a motion to adjourn at 8:44 pm. Mr. Naylor seconded the motion, with all in favor.