

**Town of North Smithfield Planning Board**

**Kendall Dean School, 83 Green Street**

**Thursday, March 3, 2011, 7:00 PM**

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

**1. Roll Call**

**Present: Chair Scott Gibbs, Dean Naylor, Alex Biliouris, Dr. Lucien Benoit, Gene Simone, Joe Cardello, Art Bassett (arrived at 7:10 pm). Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.**

**2. Approval of Minutes: February 17, 2011**

**Dr. Benoit made a motion to approve the minutes of February 17, 2011. Mr. Naylor seconded the motion, with all in favor.**

**3. Marshfield Commons: Major Land Development Project  
Preliminary Plan Public Hearing**

**Owner/Applicant: Woonsocket Neighborhood Development Corporation**

**Location: Mechanic Street, Assessor's Plat 1 Lots 69, 423,  
Zoning: RS-40 (Suburban Residential)**

**Mr. Ericson updated the Board that the applicant had appeared before**

the Board previously and that the Master Plan has been approved. The new plans were submitted to Joe Casali Engineering for peer review, and a report has been submitted outlining some concerns. The plan itself is very similar to that submitted at Master Plan, but the Board should pay attention to the issue of porous pavement.

Attorney Scott Spear was present for the applicant. He stated that because they had just received Casali's report, they would like some time to address the issues and return before the Board at the first meeting in April. He stated that he is confident the issues can be adequately addressed. Mr. Ericson asked if they could return in 2 weeks, but Mr. Spear did not think that would give the applicant enough time to address all of Mr. Casali's concerns and resubmit plans with enough time to get the materials to the Board before next meeting. Mr. Spear did agree to stop the clock on the project starting on March 4, 2011 and until the date they return before the Board.

Architect John O'Hearne reviewed some slides with the Board. Essentially the plans are the same as presented at Master Plan, with the minor changes to the motif of Building 9 (added a porch, changed some siding from horizontal to vertical) and the balcony of Building 1 being moved from the side to the back. Engineer Scott Morehead stated that the site plan is virtually identical to that presented at Master Plan, but for the addition of a gazebo-type structure and 3 parking spaces at Mechanic Street that will be used for children waiting for the school bus. He stated that freshwater wetlands permit

and insignificant alteration permit have been obtained. He stated that DPW has approved the plan to bring the water line down North Main Street to the site. A gravity sewer servicing the entire site has been approved by the Town Council and the Sewer Commission. All approvals are in place.

Mr. Morehead discussed that the goal is incorporate maximum infiltration into the design. He said there is no room on site for rain gardens due to the area of building envelopes, but that porous asphalt is proposed throughout the site. He referred to handouts from UNH that explain the porous pavement in detail that had been submitted to the Board. He encouraged the Board to review these handouts before the next meeting. He stated that all paved surfaces are proposed to be pervious in order to reduce runoff and excess drainage (from roofs and yards). Remaining runoff will be directed to an infiltration catch basin. He gave a detailed review of the proposed drainage system and the four watershed areas. He stated that there will be no increase in runoff from the site compared to the current conditions. He also stated that in bringing the water line down Florence Street from North Main Street, tie-ins will be constructed for all residences on Florence Street, and the street will be reconstructed curb to curb. He said the runoff will not increase, but the pavement will be improved from the current conditions.

Mr. Cardello stated that he would also like to state his concerns, so that the applicant will have time to address them before returning in

**April. He had concerns with the fact that his suggestion to move Building 9 and slide Building 8 away from the wetlands, made at the Master Plan meeting, had been ignored. He said he will continue to push for this, in order to lessen the impact on the wetlands. Mr. Spear said that he did not think it was necessary to eliminate Building 9, as that was on the approved Master Plan and that all regulations have been satisfied using the approved Master Plan. Mr. Cardello asked Mr. Nadeau if the Planning Board could exceed state regulations. Mr. Nadeau said no, and especially not in the case of a Comprehensive Permit.**

**Mr. Cardello also had concerns with porous pavements on the roads. He said he thinks it's a good idea for parking areas but that the maintenance is so intensive that it is not practical for a roadway. He also questioned whether the infiltration will be achieved with slopes up to 4%. Mr. Morehead said that he shared those concerns a few years ago before doing a great deal of research on porous pavement. He said he is confident that it is feasible and thinks it will work out well. Mr. Cardello stated that he would prefer that new (2011) DEM regulations be met with regard to porous pavement. He stated that he would like supporting evidence that the porous pavement will work at the site and will be properly maintained. He pointed out that with porous pavement, DEM requires a funding source for maintenance.**

**Mr. Biliouris asked about the trash removal. Mr. Morehead said there will be no dumpsters; trash will be picked up individually at each**

building and will be handled privately by the owner of the development. Mr. Biliouris also asked about existing traffic problems on Mechanic Street. Mr. Ericson pointed out that it is not within the development and not the applicant's responsibility. Mr. Morehead stated that he had taken a look at the North Main St intersection and believes the problems could be remedied by improving sight distance from Mechanic Street down North Main Street. This could be achieved by making a 90 degree intersection, which forces traffic to stop completely before turning. A landscaped island could be used to create this. The Chair pointed out that this is not a quick process and will take at least 7 years. Mr. Cardello said he would work with Mr. Ericson in contacting DOT.

Mr. Naylor expressed concerns with the drainage system and questioned whether the system will be able to handle the newly defined 100-year storm. Mr. Morehead explained how the system will function and stated that there are reserve capacities for the 100-year storm and other shorter but intense storms. He said there will never be a 100% failure of the system. He added that DEM has approved the proposed system. There a secondary emergency overflow area. Mr. Naylor also asked for detail on the hground water clearance of the different layers of the porous pavement. Mr. Morehead explained and referred to the UNH handout. He also explained that the differing water tables throughout the site are handled by having the bottom of the stone always 2 feet above the water table. Mr. Naylor echoed Mr. Cardello's concern about the proximity of Building 8 to the wetlands.

He commented that it seems that they are putting in as many structures as possible and also questioned where space would be set aside for children to play and residents to congregate. Mr. Morehead stated that it was not an engineering question, but that a village common area is shown on the plan.

Mr. Simone asked who is liable if the drainage system fails. Mr. Morehead stated that the owner is responsible for all maintenance and that DEM has legal authority to come after the owner if the system fails or is not properly maintained.

Mr. Bassett asked about the existing pump station and whether it will be able to handle the additional load. He asked if the Town's sewer engineering consultant had inspected it. Mr. Morehead said that the town's consultant and sewer department have reviewed it and that the Town Council has approved the plan.

Dr. Benoit asked about snow storage. Mr. Morehead said there are areas designated on the plans. He will revise the plans to clearly show this when the plans are resubmitted. Dr. Benoit asked Mr. Nadeau if the private trash collection could be added to the deed so that it would remain that way for perpetuity. Mr. Nadeau said this cannot be done.

The Chair opened the meeting up to public comment. Ana Parsons, an abutting neighbor read a letter, which she submitted to the Planner

as part of the record. She stated that she had moved to area in June 2008 and urged the Board to think of the long-term investment to the Town if this development is built. She asked the Board to question whether the area will look the same and whether the new residents will share the sense of pride in the community.

Chris Bennetti of 65 Mechanic Street pointed out a discrepancy in the lot line between the property deed and the plot plan. He asked that it be rectified. Mr. Spear said that the issue has been brought to the engineer's attention, and they will be sure that the surveyor examines and fixes it. Mr. Cardello asked that the Board be given a stamped surveyor's plan.

Dr. Benoit addressed the public to explain that due to the application is a Comprehensive Permit, which was instituted by politicians who were lobbied by non-profit organizations. He said that the Comprehensive Permit process is very liberal and that the Town is limited in what it can deny. He stated that basically the non-profit organizations come into our town and tell us what we can do. He stated that he just wanted the public to be aware of the process and its constraints on the Board. Mr. Spear stated that the public should be encouraged to know that this is an award-winning developer, and that they can take comfort in the fact that the development will be owned and maintained by the developer. The Chair stated that the Board is sensitive to the public's comments, but there are state laws pertaining to affordable housing. He stated that the town does not

meet the 10% minimum on affordable housing and that rules are different under a Comprehensive Permit.

Michael Cinieri of Fillion Drive addressed the Board to say that this development does not fit into the residential area. He asked why the neighbors would want this monstrosity built. The Chair stated that he would like to re-emphasize that the Planning Board, under the Comprehensive Permit process, is put in a very difficult position and must decide within the limits of the law. Otherwise, the Town will lose on appeal. Mr. Cardello added that the Board must abide by Comprehensive Permit rules and that a person has a right to develop the property as long as it's done by the rules.

Dr. Benoit made a motion to continue the public hearing to April 7, 2011. Mr. Naylor seconded the motion, with all in favor. Mr. Biliouris stated that he will not be present at the April 7 meeting.

The Chair called for a 5-minute recess at 8:30 pm. He called the meeting back to order at 8:35 pm.

4. Highlands on Iron Mine: Minor Subdivision: No public improvements, Preliminary/Final Plan

Owner/Applicant: The Property Purchase Group, LLC

Location: Iron Mine Hill Road, Assessor's Plat 17, Lot 9,

Zoning: RS-40 (Suburban Residential)

At the February 17, 2011 meeting, the Board briefly discussed that a French drain system has been constructed on this land, which appears to drain toward the road. It is not shown on the pre-existing conditions on the plan. This could be considered a public improvement if it affects the road and the Town is ultimately responsible. Mr. Ericson explained that he has since spoken with the project engineer, John Cook, who explained that the drainage system will be removed. Mr. Cook was present to explain the history of the project. He stated that the owner would like to build a family compound with five building lots on the land. The subdrain was designed in 2005 in order to lower the water table on the land and make the lots buildable. Mr. Cook stated that he does not like subdrain systems because they always eventually fail. He stated that the DEM allows installation of OWTS for 18" water table. With this system, subdrains are no longer needed. The OWTS are proposed in the areas of the five test holes. DEM has approved the plan to abandon the subdrains and install the OWTS (bottomless sand filters). With the abandonment of the subdrain system, the public improvement portion is eliminated.

Dr. Benoit questioned whether the tanks for the OWTS will be above the water table. Mr. Cook said they will be. He also expressed concern about how the proposed systems will be in the front of the proposed houses, which is unsightly. He suggested screening for them. Mr. Cook said that he will address these concerns with the landscape architect. The Board also discussed the plans, which call for very

long driveways. They stated that if the houses are moved forward, the OWTS will be in the back of the house, which may be better planning. Mr. Cook said they will consider it.

Mr. Ericson also informed the Board that there is no limit on the amount of fill that can be brought into a site. Mr. Naylor had asked about this at the previous meeting.

## **5. Review for consistency with Comprehensive Plan**

- stone wall ordinance**

- ATV ordinance**

Paul Soares spoke with the Board about the proposed stone wall ordinance. He stated that the wording of the ordinance was taken from the successfully implemented Smithfield ordinance. The Board recognized the historic significance of some stone walls, but raised concerns on protecting every stone wall, as it pertained to property rights and the presence of stone walls in non-residential zones. Mr. Soares pointed out that exceptions can be made to the ordinance and that there may be some flexibility provided in order to move and reconstruct the stone walls.

Mr. Naylor made the following motion: The Planning Board finds the stonewall protection and preservation ordinance consistent with the Comprehensive Plan. Mr. Naylor seconded the motion, with all in favor.

**Dr. Benoit made a motion to state that the Planning Board recognizes a need for preserving and protecting frontage stone walls, but a need exists for greater flexibility with regard to interior stone walls. The Chair stated that it is important for the public record to reflect to future Planning Board members the understanding that the ordinance should not be used as a hammer to deny projects they don't like. Mr. Naylor stated that what is an interior stone wall today may become a frontage stonewall if land is subdivided. Mr. Biliouris stated that if this happens, the Planning Board will review such plans. Planning Board vote was: YES: Mr. Gibbs, Mr. Biliouris, Mr. Simone, Dr. Benoit. NO: Mr. Naylor. Motion passed, with a vote of 4-1.**

**The Board held a brief discussion on the ATV ordinance, though no recommendation or review under the Comprehensive Plan was required. Dr. Benoit questioned the time restrictions. The Board also discussed that newer ATVs are much quieter and do not cause noise disturbance. They also discussed utilitarian use of ATVs, which are allowed under the proposed ordinance.**

#### **6. Appointment of Ordinance Development Committee representative**

**The Chair nominated Art Bassett to be the Planning Board's representative to the Ordinance Development Committee. Mr. Biliouris seconded the motion. Mr. Bassett declined the nomination, stating he could not commit to another board at this time, due to the**

**hours required at his job.**

**Mr. Biliouris nominated Dr. Benoit to represent the Planning Board on the Ordinance Development Committee. Mr. Simone seconded the motion, with all members voting in favor of the nomination.**

#### **7. Capital Budget Requests: Requests from Town departments**

**Mr. Bassett made the following motion: The Planning Board has reviewed the requests from the Sewer and Water departments and forwards them to the Town Council, noting that a) the departments did not provide sufficient information on which to make judgments, b) none provided six (6) year capital improvement programs, and c) each department makes capital investments from its own reserve fund. Mr. Naylor seconded the motion, with all members voting in favor of the motion.**

#### **8. Land Development and Subdivision Regulations: Discussion of proposed amendments to Land Development and Subdivision Regulations**

**The Board discussed what limits should be given on land clearing to prevent situations such as is present at Union Hill. Mr. Cardello suggested limiting disturbance to the maximum extent possible. These guidelines will be made clear at Pre-Application and Master Plan stages.**

## **9. Planning Update: Review of current events**

**Mr. Ericson stated that the Town Council accepted the Board's response to the Capital Budget review request from last meeting. He also updated the Board on a potential donation of 120 acres of land on Old Greenville Road. The Chair said that he would hope that the public will not be prohibited from access to this land. Dr. Benoit agreed, saying that this has happened in the past. Mr. Naylor stated that restricting access could be due to town liability in the event of someone getting injured on the site. Further updates on this land will be given at upcoming meetings.**

**Mr. Biliouris made a motion to adjourn at 9:36 pm. Dr. Benoit seconded the motion, with all in favor.**