

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, March 17, 2011, 7:00 PM

Vice Chair Dean Naylor called the meeting to order at 7:04 pm.

1. Roll Call

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

2. Approval of Minutes: March 3, 2011

Dr. Benoit made a motion to approve the minutes of March 3, 2011. Mr. Cardello seconded the motion, with all in favor.

3. Norbert Therien: Status report for possible minor subdivision on Grange Road

Mr. Ericson gave the Board a quick summary of the history of the request. Mr. Therien has been in contact with the Planning Department about a minor subdivision concept. He said that the Board had reviewed the plan and given favorable feedback on the concept about 5 years ago. Mr. Ericson has not been able to locate

anything in the minutes from 2004-2008. In any case, Mr. Ericson feels that there is an issue with the plan, with regard to Land Development and Subdivisions Regulations, section 5-7 (a) 1, which requires “that the parcel to be developed shall have frontage on and physical access to an existing public improved street.” As proposed, Lot A lacks physical access to Grange Road. Other issues are that Lot B lacks required frontage and required width at the building line, and Lot B includes an angle greater than 200 degrees, which creates a flag lot.

Mr. Cardello and Dr. Benoit, who were both Board members in 2004 and 2005, did not recall reviewing this plan. Mr. Therien stated that he had all prior submitted dated plans with him. He stated that the expense of going to RIDEM for approvals would not have been made had he not been given some kind of favorable feedback from the Planning Board. Because no Board members could remember and no records exist in the minutes, the Board told Mr. Therien to proceed as if this is a new request.

Mr. Therien gave a summary of the request. He stated that he is proposing the creation of two lots. Lot A is 3 acres with more than 200’ of frontage. Lot B is a large flag lot, with over 5 acres and not quite 200’ of frontage. He stated that frontage requirements could be met, but the variance is being requested in order to preserve the aesthetics of the property. Access easements would be set in place for a shared driveway. RIDEM has reviewed the plans and given a preliminary determination wetlands permit. Mr. Cardello stated that he

is not in favor of the shared driveway. He also stated he would prefer that the lot lines be adjusted so that the frontage is met, rather than asking for a variance.

Dr. Benoit shared Mr. Cardello's concerns about the creation of the flag lot. He also had concerns about the drainage issues that will be created from the long gravel driveway. Mr. Therien stated that RIDEM has reviewed the plans and does not have a problem with the proposal; the permit is still active. The drainage plan calls for sheet flow into natural terrain. Mr. Cardello asked that the new DEM regulations be considered with regard to this plan.

The Board discussed the concern over the shared driveway. Mr. Ericson stated that the Board had allowed it for a property on Buxton Street, but that was for an existing farm road on a USDA plan, and the situation was very different. Mr. Biliouris asked if a road could be constructed on the property. Mr. Therien explained how a road could be put in with a cul-de-sac, creating the possibility for 4-5 lots on the property. He said that part of the trade-off is preserving the vista from Grange Road. He stated that the shared driveway would be subject to an association with iron-clad covenants for maintenance and financial responsibility.

Mr. Ericson informed Mr. Therien that the Board will be looking at proposed changes in the town's regulations that may help in situations such as this one. He invited Mr. Therien to stay for that

discussion and offered to send a copy of the minutes.

Dr. Benoit stated that he would feel better about the proposal if it included a full-fledged road. Mr. Therien stated that doing so would result in the vista not being maintained, and it would give the Town financial responsibility for the maintenance of the road. He indicated surprise that this would be preferred by the Board. He asked if they think the trade-off is worth it. He said in his previous conversations with the former Town Planner, this proposal was seen as a better deal for the Town. Mr. Cardello stated that he agreed with Dr. Benoit that a road is preferred to a shared driveway, but that maybe the Board could consider a road narrower than required. Mr. Biliouris stated that he does not have a problem with this particular flag lot, but that he is concerned about the shared driveway.

Mr. Naylor stated that he would prefer two lots to four and he is not hung up on the idea of the flag lot because of the large area of the lot, but that he shares the Board's concerns about the shared driveway. He also appreciates the proposal to preserve the stone wall and historic vista, but strictly from a regulations standpoint, the proposal has issues to be addressed. He said that there may be a way to work together to find a solution. Mr. Therien agreed that he does not want to reappear before the Board on an adversarial basis and he is willing to continue the discussion.

4. Branconnier: Minor Subdivision Preliminary/Final Plan

Owner/Applicant: Robert Branconnier

Location: Christina Way, Plat 14, Lots 37, 38 and 188, Zoning: RA-65 (Rural Agricultural)

Mr. Ericson reviewed the request for the Board. The application is actually an administrative subdivision with one internal angle greater than 200 degrees. Marc Nyberg addressed the Board for the applicant. This property is currently being discussed in court. The judge wants to settle the division of the land, and the configuration submitted to the Board satisfies all sides. Peter Godon, who holds 1/3 interest in the property, was also present. He would like the land subdivided so that his three children will be able to someday build on land adjacent to the property on which he now resides. The subdivision is configured such that his land will have frontage available in the event that a road is ever constructed through the property owned by the other interest-holders.

The Board reviewed the plans, and Mr. Cardello suggested another configuration which he felt better protected Mr. Godon's interest, in case a future road was constructed in a different area of the property. Mr. Godon agreed to this configuration, but Mr. Nyberg will have to redraw the plans and submit them to the other people holding interest in the property. Dr. Benoit pointed out a calculation error in the square-footage of the property. Mr. Nyberg will double-check that. The applicant will have to return before the Board with the final subdivision configuration before they vote on approval.

5. Land Development and Subdivision Regulations:

-Discussion of proposed amendments to Land Development and Subdivision Regulations

The Board discussed the possibility of adding options for subdividing land in cases where sufficient land is available, but frontage is lacking. Burrillville has such an option which is used in their F-5 zones (5 acres). Mr. Ericson suggested that North Smithfield could allow it for large area land holdings equal to the number of lots proposed times 5. The Board referred to this concept as residential compounds. The compounds would have a shared driveway, which would look from the main road to be one residence. If an ordinance based on this concept could be created, it would preserve acreage beyond what the town's zoning currently preserves. It will also maintain the agricultural suburb character of the town.

Mr. Biliouris had to leave the meeting at 8:50 pm, but before leaving he said he thinks the idea needs much more development but that the Board could work toward a solution. Concerns raised by the Board included the creation of flag lots, gravel roads built as shared driveway cause runoff to flow off the properties, and the need for strict requirements (including escrow accounts) for the shared land and preservation of historical access points. The Board decided that the concept is worth exploring, but that much more thought has to be put into this. Mr. Ericson suggested starting by studying the

Burrillville ordinance, but that having an option along these lines could provide a better alternative to some of the subdivisions that are proposed in town.

6. Planning Update: Review of current events

Mr. Ericson informed the Board that RIDEM is setting stricter stormwater management and impervious cover requirements. The MS4 requirements will be hard to meet, and the expense of having the water tested will be hard to justify.

Mr. Ericson also briefly talked about the Farm, Forest, and Open Space program, which reduces the assessed land valuation for property owners who agree to keep the land in one of the three plans for a prescribed number of years. If in the future the property owner sells the land, there is a back-tax penalty. The Tax Assessor has done a great job in steering people toward this option.

Mr. Cardello made a motion to adjourn at 9:10 pm. Mr. Simone seconded the motion, with all in favor.