

Town of North Smithfield Planning Board Meeting

Kendall-Dean School, 83 Green Street

Thursday, April 7, 2011, 7:00 PM

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

1. Roll Call

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

2. Approval of Minutes: March 17, 2011

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

3. 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 explained to the Board that at the last meeting, the Board had spoken with Marc Nyberg and the applicant about a waiver on an angle greater than 200 degrees. As part of that discussion, Mr.

Cardello had suggested a different property line than that on the plan. Mr. Nyberg did not make the suggested changes, though at the time of the discussion both he and the applicant had agreed to do so. Dr. Benoit agreed that Mr. Cardello's suggestion was a better plan and stated that the applicant should make that change. Mr. Naylor agreed. The Chair stated that the Planning Board is not obligated to grant the waiver and that there does not seem to be any compelling reason that the change was not made. Dr. Benoit made a motion to table the matter until the next meeting. Mr. Simone seconded the motion, with all in favor.

4. Stop & Shop Fuel Station: Major Land Development Final Plan

Owner/Applicant: Gas Development LLC

Location: 35 Eddie Dowling Hwy, Plat 21, Lot 67, Zoning: BN (Neighborhood Business)

Mr. Ericson stated that the applicant has addressed the five conditions required at Preliminary Plan stage. They have submitted a list of responses to the conditions and everything appears to be nicely tied up. Attorney Elizabeth Noonan was present for the applicant. She stated that the Zoning Board had granted the Special Use Permit in March, with no conditions. All conditions of the Preliminary Plan have been addressed and the applicant requests Final Plan approval.

Mr. Naylor asked Joe Casali, the engineer who conducted the peer

review for the Town, if all his concerns had been addressed. Mr. Casali stated that his concerns were mainly housekeeping and that everything is in order.

Dr. Benoit made a motion to approve the Major Land Development Final Plan for the Stop & Shop Fuel Station, Plat 21A, Lot 67, dated January 19, 2011. Mr. Simone seconded the motion. The roll call vote was as follows: YES: Mr. Gibbs, Mr. Simone, Mr. Naylor, Dr. Benoit, Mr. Bassett. Motion passed, with a vote of 5-0.

5. Marshfield Commons: Major Land Development/Comprehensive Permit Preliminary Plan Public Hearing (continued)

Owner/Applicant: Woonsocket Neighborhood Development Corporation

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

Mr. Ericson stated that the main issue the Board had at the previous hearing was the pervious pavement. A new issue is the proposed construction of a gazebo to be used as a bus stop. This building will require a variance for front setback. Building Official Bob Benoit agrees that the Board should grant the variance, as the setback is not enforced for other bus stop shelters that people build for their children. There has also been a change in the roadway, after discussion between the applicant and the town's engineering consultant (peer reviewer) Joe Casali, PE. The plan has an added

area of impervious pavement at the entrances. These areas are about 50 feet of the roadway and are located in places where the 2' water table is not met. The Chair asked Mr. Casali if this would affect the stormwater plan and if it should be sent back to DEM for review. Mr. Casali stated that would not be necessary. Mr. Ericson added that though the area has substandard street drainage by current standards, Mechanic Street was completely passable during the peak of the 2010 floods.

Attorney William Landry was present for the applicant. He stated that engineer Scott Morehead was present to speak to that issue. Mr. Landry also informed the Board that Building 8 has been relocated. It was moved back and is now 25' from the wetland. Speaking to concerns about maintenance of the road, Mr. Landry stated that maintenance is taken care of by the owner, not the renters. There will be no Home Owners Association or any of the potential dysfunction that can come from such an association. The Town can work directly with the owner on long-term maintenance plans, which can be stipulated and recorded.

Mr. Morehead responded to some of the review comments. He stated that the addition of impervious pavement at the entrances will not increase runoff to Mechanic Street. The law is that there can be no additional runoff post-development. The original plan would have resulted in a decrease in runoff, through infiltration, so even with the addition of some pervious pavement, the runoff is not increased from

the present conditions.

Mr. Landry asked if the Final approval could be handled administratively. The Chair stated that he does not think that will be appropriate in this case because of the significance of the project, though it is allowed in the regulations. The Chair also stated that there is an outstanding issue of a land boundary dispute with an abutting neighbor, Mr. Bennetti. He stated that the Planning Board is not the appropriate body for such a dispute, but he strongly encourages the parties to get together to resolve the issue.

Dr. Benoit stated that in reviewing the fiscal impact, he questions the findings that there will be 42 existing North Smithfield school children moving into the development. He stated that he believes that number to be erroneous. He also questioned the tax revenue for the town from this project. He stated that he had spoken to the Tax Assessor and was told that the Town receives the full taxation from construction, then 8% of the rental income. He asked if that pertained to the gross rent or the subsidized rent. Mr. Landry stated that the state sets up the system, and the applicant has no control over the taxes. Terri Barbosa stated that the gross rental income is the basis for taxes. She said that this is not subsidized housing; they are tax-credit units. The chair stated that he is sympathetic to Dr. Benoit's concerns with the fiscal impact, but they are not germane to this Board's decision-making. Mr. Landry stated that he appreciates the comments for public disclosure. He stated that school age estimates

come from local numbers. He said that in similar developments, the vast majority of the residents do come from the local community. He stated that it is a surprising fact, but it is not misrepresented.

Ms. Barbosa stated that federal and state subsidies are provided for construction, not for the rental of the units. She stated that up to 90% of people occupying the new units already live in the community (based on other developments built by her organization). The Chair asked how their marketing strategies will expose the development to local residents first. Ms. Barbosa said that they are bound by Fair Housing to allow residents of Northern Rhode Island and Providence County the opportunity to move in, but that they will use local papers to advertise. The Chair asked if they could work with the Town on this.

Mr. Simone asked what the usual timeline is in constructing and filling the units to full capacity. Ms. Barbosa stated that it is usually 5 years. Mr. Bassett asked if the 90% of the renters coming from the local community includes a 10-mile radius, therefore including Millville, Burrillville, and Woonsocket. Ms. Barbosa stated that the 90% comes from the town, not the surrounding towns and cities. Mr. Naylor asked where the other developments are located. Ms. Barbosa stated that they are in Woonsocket, North Smithfield (senior housing), and she mentioned the Stillwater Mill. The Chair asked if Massachusetts residents are allowed to move in, under the Fair Housing of Providence County. Ms. Barbosa stated that they would

attempt to keep it to residents of Rhode Island, since the state is providing some of the money.

Dan Faust of 30 Florence Street, an adjacent abutting neighbor, stated that he realizes that he and his neighbors can do nothing about the proposed development but wanted to give the Board his concerns. He read from a prepared letter, which he submitted to Mr. Ericson to keep as part of the record. He is concerned that this development will change the nature of the town and the neighborhood. He said it's a peaceful, serene neighborhood with residents who work hard to preserve and protect what makes it a great neighborhood. He stated that he is concerned that this development will cause surrounding property values to drop, the development property will become run down, and the crime rate will increase. He also stated that he was never notified about this proposed development and found out from a neighbor.

Wanda Moorehouse of High View Avenue stated that she has lived in North Smithfield for her whole life. She is concerned about the impact to the wetlands and possible increase of water to her property. She stated that many of her neighbors agree with her that the proposed development is a monstrosity, and she is disappointed that they did not come to the meeting to speak about it. She also said she would like a tree with a hawk's nest left undisturbed.

Jane Allard stated that her parents own the property at 28 Mechanic

Street. She stated that she feels that the town's residents and the neighbors have not been educated as to what the proposed housing really is. She stated that tax credit housing is different than subsidized housing. She asked where she and others can learn more about exactly who is being served by the affordable housing. Ms. Barbosa of Woonsocket Neighborhood Development, stated that it is affordable housing for residents of the community, not subsidized housing. The family income of the targeted residents is approximately \$40,000-\$60,000. Rent varies, depending on the size of the unit, but is usually around \$900/month. Ms. Allard stated that low-income housing has a negative connotation and she feels that the resistance to this project is due to ignorance. She asked that a better effort be made to explain the target population and the type of housing.

Mr. Ericson stated that Joe Cardello, in the capacity of a private citizen, asked to have his concerns about pervious pavement made part of the record.

Dr. Benoit made a motion to close the public hearing at 7:53 pm. Mr. Simone seconded the motion, with all in favor.

Mr. Bassett made a motion that the Planning Board, acting as the Comprehensive Permit review board, grant a variance under the Zoning Ordinance section 5.5.1 to allow a bus shelter 10 feet from the Marshfield Commons front property line as shown on the Preliminary Plan, dated March 7, 2011. Dr. Benoit seconded the motion. The

Planning Board vote was as follows: YES: Mr. Gibbs, Mr. Naylor, Mr. Simone, Dr. Benoit, Mr. Bassett. Motion passed 5-0.

Dr. Benoit made a motion that the Planning Board approve the Marshfield Commons Preliminary Plan, Plat 1, Lots 69 and 423, dated March 7, 2011 with the condition that a draft maintenance plan for the roadway and the entire property, which will be reviewed and approved by Casali Engineering, be submitted for recording with the Final Plan. The Planning Board vote was as follows: YES: Mr. Gibbs, Mr. Simone, Dr. Benoit, Mr. Bassett. NO: Mr. Naylor. Motion passed 4-1.

Mr. Naylor asked Mr. Casali what the best management practices are for the maintenance of the impervious surface and the pervious roadway. Mr. Casali stated that the applicant should make the plan and submit it for review, rather than the Town suggesting methods and therefore become liable in the event of a problem with the maintenance plan. He added that the maintenance usually consists of vacuuming and sweeping to keep the pores open and able to take water.

Mr. Bassett asked the applicant, in light of the comments from the public, to work with the neighbors to see if some of their concerns can be addressed (e.g., saving the tree with the hawk).

The applicant asked to have the Final Plan approved administratively,

but the Board asked them to come back for Final approval.

Dr. Benoit made a motion to take a 5-minute recess at 8:02 pm. Mr. Bassett seconded the motion, with all in favor. The Chair called the meeting back to order at 8:07 pm.

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

Mr. Ericson told the Board that at the next meeting, they will be reviewing a Preliminary Plan Major Subdivision Plan off Industrial Drive. The Zoning Ordinance requires no frontage for lots in a manufacturing zone. However, the Land Development and Subdivision Regulations, Section 5-7(A)1 requires that the parcel to be developed shall have frontage on and physical access to an existing improved public street. The plan in question has frontage, but physical access only to an abutting lot, not to a public way. He added that the plans do not show a road. The only condition on the Master Plan was that an access easement agreement is in place with the abutter. No waiver was granted. The concern is that if the abutter abandons the site, this shared driveway could become a big problem.

The Board discussed the issue. Mr. Ericson stated that one option would be to remove the access requirement from the Land Development and Subdivision Regulations. The Board was not in favor of this option. The Chair stated that he is in favor of flexibility,

especially in manufacturing zones. He talked about land unit condo projects that share a common area used for an entrance, but without access to a public road. He is in favor of maximum use of the limited industrial land, as long as the easement is effectively drafted to protect the town. Mr. Naylor asked what other towns do in situations like this and asked Mr. Ericson if he could get some examples before the application comes before the Board. Mr. Ericson said he would do this.

7. Dowling Village Inspection Escrow Fund: Discussion of serious payment delays with possible action.

Mr. Ericson stated that he has been contacted by Bucci Development and they will send the money, but that no explanation on the delay was given.

8. Planning Update: Review of current events

Dr. Benoit asked if any new tenants of Dowling Village have been identified. Mr. Ericson stated that nothing has been signed yet, but a few names keep popping up (Kohl's, Lowes). He stated that the developer is continuing with construction on Phase II. The wind turbine proposal has been stalled because the wind developer backed out, but that it is not completely ruled out yet.

The Chair stated that a representative from RAM had contacted him to

ask for a meeting to discuss the present market and best use of the Dowling Village land. The Chair has not spoken with them and no money was offered. He just wanted to have it on record that there is no conflict of interest.

Mr. Ericson also updated the Board on the status of grant applications, the JCI energy project, and library funding.

Dr. Benoit made a motion to adjourn at 8:45 pm. Mr. Naylor seconded the motion, with all in favor.