

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, June 23, 2011, 7:00 PM

The Vice Chair called the meeting to order at 7:03 pm.

1. Roll Call

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

2. Approval of Minutes: June 2, 2011

Mr. Biliouris made a motion to approve the minutes of June 2, 2011. Mr. Simone seconded the motion, with all in favor.

Mr. Cardello made a motion to change the order of the agenda to hear the Industrial Drive Commerce Park review before Wal-Mart and Dowling Village, because Mr. Biliouris needs to recuse himself from those two applications. Dr. Benoit seconded the motion, with all in favor.

3. Industrial Drive Commerce Park Phase I, Sublot 3: Development Plan Review

Owner/Applicant: Industrial Drive Development Co., LLC

**Location: Industrial Drive, Assessor's Plat Assessor's Plat 5,
Lot 487**

Zoning: M (Manufacturing)

Attorney Nicholas Goodier was present for the applicant. He explained that Sublot 3 was previously approved and recorded in the Final Plan for the subdivision on May 13, 2009. Slight changes have been made to the plan and the applicant is looking to elicit comments from the Board in order to make any adjustments before next month's meeting. At that time, there will be a Public Hearing for a Preliminary Plan submission for a Development Plan Review.

Mr. Ericson stated that Attorney John Mancini had originally asked to waive the public hearing. Mr. Ericson said that the hearing was not required by state law, but the Zoning Ordinance requires it. Out of an abundance of caution, they will proceed with the hearing on July 21. There were no conditions on the approval of the Final Plan, but there was a concern on the maintenance of the underground infiltration system. A maintenance and monitoring plan has been submitted. All documents have been submitted for the Development Plan Review.

Marc Nyberg addressed the Board to review the approved plan with the overlay showing proposed changes. The parking lot has been modified to allow access for bigger trucks. One other area has been regraded. The Board had questions about the size of the trucks and whether they would have enough room to turn. Mr. Ericson asked Mr.

Nyberg to add a turning template to the plan and submit it in time for the July 21 meeting. Dr. Benoit asked if there is a plan for snow removal so that the snow piles won't affect the turn negotiating. Mr. Nyberg said there is plenty of distance for turning and pointed out a storage area for snow. Mr. Cardello asked about the Physical Alteration Permit. Mr. Goodier stated that the one that is already approved is still valid.

Mr. Cardello also had questions about the wall detail and its proximity to the drainage system. He asked that the detail be shown on the landscape plan and that the landscape plan be submitted with an RLA stamp. He also asked if the drainage system complies with the new standards. Mr. Goodier stated that they do not, since it was designed and approved before the new standards came out, but that it does include some elements of low impact design standards.

Mr. Biliouris asked that the distance between the loading dock and the fence be shown on the plans. Mr. Nyberg stated that the distance is approximately 15 feet, and Mr. Goodier stated that a template will be included for the next meeting. Mr. Biliouris also asked about the lighting plans. Engineer Paul Gadoury said it will be included on the landscape plan.

The Board also asked about the number of trucks and how often they would be entering the property. Owners Russell and Bob Branchaud were present and stated that there would be about two trucks per

month. Mr. Naylor asked about the second loading dock. Mr. Branchaud said that it will be used by another tenant in the future.

Mr. Goodier thanked the Board for their input and stated that the applicant will address their concerns.

Mr. Biliouris recused himself from the next two agenda items. Mr. Ericson asked if he had filled out recusal forms. Mr. Biliouris referenced the original recusal from the Dowling Village hearings and stated that it is still in effect. He left the meeting at 7:35 pm.

4. Wal-Mart Sign Variance: Review and recommendations regarding sign variance application before the Zoning Board.

Attorney K. Joseph Shekarchi was present for the applicant. He stated that as part of the original Dowling Village approval, allowance was made for greater signage. The signage requested by Wal-Mart is to provide direction through the site. The signs will not affect drivers on Rt. 146 and will only be lit during business hours. Mr. Shekarchi stated that signage is important for businesses, and granting the variance sends a signal to other potential tenants that the Town is willing to work with them.

Mr. Ericson stated that the signage is also designed to manage the scale of the large building. All signs function to direct customers to certain sections of the store and are completely appropriate for the

business and location.

Mr. Cardello asked how the proposed signage compares to other Super Wal-Mart stores. Tara Calabrese, AICP, stated that this represents a substantially reduced typical sign package and is smaller than any stores that have been permitted in Rhode Island. Mr. Cardello added that regulatory traffic signs need not be included in square footage. Mr. Shekarchi said that they were included out of an abundance of caution.

Mr. Naylor stated that part of the requirements for approval of variances is that the request is for the least relief necessary. He asked what detriment would come from using 450 sq. ft. of signage. Mr. Shekarchi said traffic patterns would be impaired and customers would be inconvenienced. Mr. Ericson stated that "least relief necessary" in this case refers to what the users of the store need to avoid mistakes in traffic lanes and parking. All the proposed signage is necessary and useful. Mr. Cardello stated that the size of the requested signage is not out of proportion. Ms. Calabrese added that smaller signs would not look right and would be out of balance with the large building facade.

Dr. Benoit made a motion to recommend that the Zoning Board approve the sign variance for Wal-Mart. Mr. Simone seconded the motion. Planning Board vote was as follows: YES: Mr. Naylor, Mr. Simone, Dr. Benoit, Mr. Cardello. Motion passed, with a vote of 4-0.

5. Dowling Village Phase II revisions: Review of net reduction of building and parking area.

The net reduction is 11,000 SF (142,000 SF to 131,000 SF), equal to 7.7 percent. Condition 11 of the Dowling Village Final Plan, reprinted below, makes this an administrative review:

Should the Applicant seek to reduce either a proposed building by up to twenty percent (20%), or two or more buildings by an aggregate of up to twenty percent (20%) of the proposed square footage of such building or buildings as shown on the plans, then revised plans shall be submitted to the Administrative Officer for review and approval of the modification. Should the Applicant seek to reduce either a proposed building by twenty percent (20%) or more, or two or more buildings by an aggregate of twenty percent (20%) or more of the proposed square footage of such building or buildings as shown on the plans, then revised plans shall be submitted to the Town Planning Board for review and approval of the modification. In either process, the Applicant's revised plans shall utilize all available building and parking reduction options to minimize the impervious area of the Project and increase the distance to the nearest point of Booth Pond.

Mr. Cardello asked that the transcript be checked, as he believes that the "shall be submitted to the Planning Board" should read "may be submitted..." Mr. Ericson reviewed the details of the proposed

changes so the Board will be aware. Mr. Cardello questioned whether the applicant should be making the presentation instead of Mr. Ericson. Mr. Ericson said that he is bringing the Board up to speed, but the applicant has not yet formally applied for the change. He said that the earlier the Board understands the proposed changes, the better, and that all materials will be sent to Pare Engineering for review of how the construction details match up. Mr. Ericson will not consider the administrative approval until that time.

Mr. Ericson continued reviewing the changes, pointing out specifics of building space reductions, reduction of parking spaces (123), and the reduction of impervious pavement. The proposal also moves the buildings away from Booth Pond. He also pointed out that Retail 1-3 was one building with demising walls between storefronts. The revised Retail 1-4 is likewise one building.

Caroly Shumway of the Valley Alliance offered a copy of the Booth Pond sub watershed map for spatial reference, and it was passed around. Mr. Ericson had previously passed out a Valley Alliance memo previously emailed to the Planning Board.

Mr. Cardello stated that he was uncomfortable with the presentation without the applicant being there. Mr. Ericson said that they are not required to be here, because this is an administrative decision. Mr. Ericson said that it is totally appropriate at any time for the Board to give comments. Mr. Cardello stated that if the Board gives comments,

it implies the Board's consent or approval. He said he can't make comments without a full set of plans. Dr. Benoit said that the objective of the agenda item has been accomplished, and he thanked the Mr. Ericson for the review.

Mr. Naylor stated that he would like a legal opinion on whether changing Buildings 1,2, and 3 into 1, 2,3, and 11 constitutes a significant enough change that it would affect the Final Plan approval. Mr. Ericson stated that it is significantly less than 20% change; there were three units in one building and now there are four. Whether the building has more storefronts is not an issue. Unit configurations can be changed even after construction.

Mr. Naylor asked if the applicant was aware of the agenda item. Mr. Ericson said that they were. Mr. Naylor also stated that he does not think that a third party (Valley Alliance) should be submitting information. Mr. Ericson said that the subwatershed map was previously made part of the record, but he did not have his copy. That is why he asked Ms. Shumway to share hers. He stated that any member of the public can provide a letter to the Board, and that Valley Alliance was not addressing the Board tonight.

6. Planning Update: Review of current events

Mr. Ericson informed the Board that at the next meeting there are three ordinances to review. One is from the Redevelopment Agency,

and two are from the Ordinance Review Committee. The Board also discussed the RIGIS development of the RI Digital Atlas on ArcGIS Online. No other state has made better use of this free resource. The Board also discussed the use of ArcGIS in the Planning Department.

Dr. Benoit made a motion to adjourn at 8:22 pm. Mr. Cardello seconded the motion, with all in favor.