

## **Town of North Smithfield Planning Board Meeting**

**Kendall Dean School, 83 Green Street**

**Thursday, October 6, 2011, 7:00 PM**

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

### **1. Roll Call**

**Present: Chair Scott Gibbs, Dean Naylor, Dr. Lucien Benoit, Joe Cardello. Absent: Gene Simone, Alex Biliouris, Art Bassett. Also present was Town Planner Bob Ericson. Town Solicitor Rick Nadeau arrived at 7:40 pm.**

### **2. Approval of Minutes: September 8, 2011, September 15, 2011**

**Mr. Cardello made a motion to approve the minutes of September 8, 2011 with no changes. Mr. Naylor seconded the motion, with all in favor.**

**Mr. Cardello made a motion to approve the minutes of September 15, 2011 with no changes. Mr. Naylor seconded the motion, with all in favor.**

### **3. Pound Hill Estates: Major Subdivision Final Plan**

**Owner/Applicant: Seminole Development**

**Location: Pound Hill Road, Assessor's Plat 10 Lot 59, Zoning: RA**

**(Rural Agricultural)**

**Mr. Ericson told the Board that this plan had been approved with no conditions by the previous Planning Board in 2008. There was a different applicant at that time. This plan can be granted Final approval, as long as there are no changes to the plan. Most of the construction has been completed. Engineer Joe Casali was present for the applicant to explain the as-built plan. The two principals of Seminole Development, John Samek and Paul Vanasse were also present.**

**Mr. Casali informed the Board that the applicant has been working with the Town's consultant, Pare Engineering throughout the construction process. They have given a cost estimate of \$33,000 on the remaining work to be done (topcoat, street sign, landscaping). Mr. Casali stated that the applicant feels this amount is too high and they are asking for a bond of \$30,000.**

**Mr. Cardello asked if there was a peer review prior to approval of the Preliminary Plan. There was not. Mr. Cardello stated concerns with the 2' cover on the ADS HDPE pipe. He stated that RIDOT specs require a minimum of 3'. He agreed that this type of pipe should be fine with the 2' cover, but he would like to have the pipes inspected to be sure that they were not damaged during construction. He also asked about the inverts, which are slightly different on the as-built plan than on the approved plan. Mr. Casali stated that they are**

slightly different but that the decrease in runoff is still the same. The intent of the design is to decrease runoff and they have achieved that.

Mr. Ericson stated that there are some trees within the zoning sight triangle. Mr. Casali stated that the applicant will agree to a stipulation that trees within the zoning triangle will be moved back. He also requested that the applicant be allowed to plant 2" caliper trees in place of the 3" caliper trees that the landscape architect included in the plan. He stated that 2" caliper trees are more readily available and since there are 18 months until the Town takes over the maintenance of the road, the trees will be mature by that time.

Mr. Cardello asked if the sidewalks had wheelchair ramps at the corner. Mr. Casali stated that they do not, and they were not required on the approved plan. The sidewalks have already been constructed. Mr. Cardello stated that he is concerned that the Town will be in violation of ADA. Mr. Casali stated that there is nowhere to cross the road and no sidewalk to connect to. Mr. Ericson stated that the applicant has no obligation to compensate for any Planning Board omission in Preliminary Plan review and approval. After further discussion, it was decided that it would be very costly to change the sidewalks, and that it was best to stay with the approved plan.

Mr. Samek asked the Board if the three existing white pines could remain on site, since they are established plantings and he would hate to take them down in order to plant new smaller trees. Dr. Benoit

asked if the branches could be trimmed up to 12'. Mr. Samek said that it would not be a problem, but also pointed out that they do not pose a sight problem. Mr. Samek also discussed the 2" caliper tree request, stating that the person he spoke with at the nursery informed him that 2" caliper trees have smaller root balls, which actually gives them a better chance of survival. Dr. Benoit agreed with that and stated that he supports the substitution of 2" caliper trees for the required 3" caliper trees.

The Board discussed the applicant's request for a lower surety bond. They decided to keep the amount of \$33,000, as suggested by the Town's consultant. The applicant also agreed to have Pare Engineering look at the ADS pipe and report back to the Planner and the Board if there is a problem.

Dr. Benoit made a motion that the Planning Board approve the Major Subdivision Final Plan for Pound Hill Estates, AP 10, Lot 59, dated November 18, 2010, upon receipt of surety in the amount of \$33,000 in a form approved by the Finance Director, and to approve the request for the substitution of 2" caliper trees for the 3" caliper trees. Mr. Cardello seconded the motion. Planning Board vote was as follows: YES: Mr. Gibbs, Mr. Naylor, Dr. Benoit, Mr. Cardello. Motion passed, with a vote of 4-0.

4. Zoning Ordinance: Review of proposed MU1-MU2 ordinances with vote(s) on recommendations to the Town Council.

**John Flaherty and Robert Nault were present to answer questions about the proposed Mixed Use Districts ordinance. The Chair stated that Mr. Nault is a member of his Board (Economic Development Foundation of Rhode Island), but he has full confidence that there is no conflict of interest.**

**Dr. Benoit asked if this ordinance specifically pertains to the Branch Village Redevelopment area. Mr. Flaherty stated that it could be applied anywhere in town, as long as the Town Council approves it. He stated that nothing in the ordinance prevents it from being applied to another area at some point in the future.**

**Mr. Nadeau stated that applying this ordinance to an area in town requires the same process as an overlay. He asked Mr. Flaherty that since there has been a change in legislation allowing expanded use of overlay, if he would want to rework this ordinance. Mr. Flaherty stated that he was indifferent and that either way would be fine with him.**

**Dr. Benoit stated that he had some concerns with parts of the ordinance that seem to be limiting the creating of new businesses, if they don't meet the defined criteria. He would like to encourage all new business. He also stated that the ordinance requires creation of more low moderate income housing. He stated that the Town has enough, so why is more being encouraged. He believes that many**

line items are subjective, there is too much regulation, and it is too restrictive.

The Chair asked if the Brickle family has given positive feedback on the ordinance. Mr. Flaherty stated that Smed Blair of the Brickle family has been involved as part of the Branch Village Task Force and has been given a copy of this proposed ordinance with an invitation to provide feedback. The Chair stated that they need to be involved as part of the team. The Chair stated that he does not find that the ordinance contradicts the Comp Plan, but that he has concerns with some details. He stated that he finds section 5 counterintuitive. He also stated that just passing the ordinance will not change anything. The town needs to create a market to attract developers. Mr. Flaherty and Mr. Nault both stated that they have no problem striking section 5 entirely. Mr. Nault explained that it had originally been separate, but the intent is to try to give an image of what they are trying to achieve. He stated that it is not that restrictive if you really study it. It is intended to give the area a reasonable quality look to it.

Mr. Naylor made a motion that the Planning Board finds that the proposed Mixed Use Districts ordinance is consistent with the town's Comprehensive Plan. Mr. Cardello seconded the motion. Planning Board vote was as follows: YES: Mr. Gibbs, Mr. Naylor, Dr. Benoit, Mr. Cardello. Motion passed, with a vote of 4-0.

Mr. Cardello asked if the ordinance would be refined. Mr. Flaherty

stated that it is possible that changes will be made at the public hearing before the Town Council. Mr. Nadeau encouraged anyone with concerns to submit them to the Town Council by letter or to attend the public hearing.

**5. Highlands at Iron Mine Hill: Minor Subdivision Preliminary Plan**

**Owner/Applicant: The Property Purchase Group, LLC**

**Location: Iron Mine Hill Road, Assessor's Plat 17 Lot 9, Zoning: RS-40 (Suburban Residential)**

Mr. Ericson informed the Board that the main issue with this plan is the existing drainage structures that need to be removed. DEM has approved plans for bottomless sand filters to be installed on each of the five lots. A note should be added to the plan that the existing structures will be removed. It should also be a condition of Final approval. Also updated on this plan is the location and detail of the cistern. Fire Marshal Brian Gartland has reviewed and sent a letter of approval for the cistern.

Professional engineer John Cook was present for the applicant. Also in attendance was Sean Harrington, one of the principals of The Property Purchase Group, LLC. The plan is to subdivide the property to create a family compound consisting of five lots. Mr. Cardello stated that the timing of when the subdrains will be removed needs to be clearly stated on the plan. Mr. Cook said they will be removed at building permit stage, and he will add this to the plan.

**Dr. Benoit asked if the water table checks have benefitted from the existing drains. Mr. Cook stated that the water table testing occurred in 2004, but the subdrains were not installed until 2005, so the answer is no.**

**Mr. Cardello asked if the drainage conditions should be stated as "bottomless sand filters or better newer technology (if available) will be installed." Mr. Nadeau stated that if newer technology is available, the applicant can come back before the Board for approval. Mr. Cook stated that if, at the time of construction, bottomless sand filters cannot be constructed, the applicant will return to the Board for an amendment to the plan.**

**Mr. Cook also asked that the Board consider delegating Final Plan approval to the Town Planner. The Board decided that because there are conditions set upon the approval, they would prefer to have the applicant come back to the Board for Final Plan approval. Mr. Ericson concurred.**

**Mr. Cardello made a motion that the Planning Board approve the Minor Subdivision Preliminary Plan for the Highlands at Iron Mine Hill, AP 17, Lot 9, with revisions dated August 31, 2011, with the conditions that: 1) a note be added to the plan that all existing drainage structures on the Existing Conditions plan be removed before any building permit is issued and 2) bottomless sand filters**

**will be installed on all lots. Planning Board vote was as follows: YES: Mr. Gibbs, Mr. Naylor, Dr. Benoit, Mr. Cardello. Motion passed, with a vote of 4-0.**

**6. Planning Update: Review of current and upcoming events, including possible vote(s) on Planning Board meeting dates.**

**Mr. Ericson stated that all updates were included in the written Planning Update submitted to the Board. The Board held no discussion on the update.**

**Mr. Gibbs stated that he was disappointed by Caroly Shumway's comments published in the Valley Breeze regarding the vote on the SWPPP ordinance, in which she stated that the Board voted that the ordinance was not consistent with the Comprehensive Plan for reasons she speculated but that were never discussed at the meeting. He stated that the Board gave her civility and that her comments were inappropriate. He also stated that he will not talk to the media.**

**Mr. Cardello made a motion to adjourn at 8:25 pm. Mr. Naylor seconded the motion, with all in favor.**

**Submitted by Angela Pugliese**