

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, November 17, 2011, 7:00 PM

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

1. Roll Call

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

2. Approval of Minutes: October 20, 2011

Mr. Biliouris made a motion to approve the minutes of October 20, 2011, as amended. Mr. Simone seconded the motion, with all in favor.

3. Zoning Ordinance: Review of proposed SWPPP (Stormwater Pollution Prevention Plan) ordinance with vote(s) on recommendations to the Town Council.

The Board had discussed the proposed ordinance with members of the Ordinance Development Committee at a previous meeting. Minor changes were made based on that discussion and the Board, along with ODC members Caroly Shumway and Jim Brennan, reviewed

those changes. Mr. Ericson stated that many parts of the ordinance were governed by state law, so there is not much the Town can do to alter those sections. The Town must follow the state regulations.

Mr. Biliouris stated that he had a lot of concerns with the ordinance, but he does realize that they are governed by state law. He suggested adding language to the proposed ordinance that states that in the event that state law governing SWPPP changes, the Town's ordinance will automatically change to mirror state law. Ms. Shumway had concerns about this, because some parts of the Town's ordinance are stricter than the state law. The Board clarified that this would only be in sections of the ordinance that directly mirror state law. Mr. Nadeau stated that if the Town Council agrees to do this, he will write language to clarify the intent.

Mr. Bassett made a motion that the Planning Board finds the proposed SWPPP ordinance consistent with the Town's Comprehensive Plan. Mr. Biliouris seconded the motion, with all in favor.

Mr. Biliouris made a motion suggesting to the Town Council that an additional clause be added to the proposed SWPPP ordinance that the document, in areas where it mirrors state law, automatically changes to reflect changes to state law, as recommended by legal counsel. Mr. Simone seconded the motion, with all in favor.

4. Land Development and Subdivision Regulations: Discussion of proposed LD&SR revisions.

Mr. Ericson stated that he had received a letter from attorney Catherine Hall objecting to this agenda item as it was advertised. She stated that it is too vague and, by not pinpointing the exact portions of the Land Development and Subdivision Regulations to be discussed, it does not provide sufficient information to let the public know if they should attend the meeting. He stated that he and Mr. Nadeau see no conflicts with the Open Meetings Act, because the review covers all articles, but if Board does not feel comfortable with the notice, they can skip this item. Mr. Cardello pointed out that they were not voting on anything and are not changing any ordinances. No one raised any objection. Mr. Ericson noted that this is a preliminary discussion and a long way from a public hearing.

The Board had previously received a list of concerns Mr. Ericson had with the LD & SR. He went through the list, article by article. A brief summary of the items discussed follows: Article 1, update purpose to match current state law; Article 2, add definition for a technical review committee; Article 3, under general requirements, add a section that encourages people to correspond by email and provide PDFs of concepts before filing applications, in order to save time and money; Article 4, conservation development needs to be addressed at the state level before the town will see much of this put into practice; Article 5, eliminating the blanket prohibition of angles greater than

200 degrees will move development from rectilinear design to contouring to preserve environmental features. The focus should be on front yards, not beyond. Article 6, road widths and acceptance of public improvements (the town ends up plowing and maintaining roads that were never accepted); Article 9, fees should represent actual costs. Final plans for minor/major subdivisions are costing more than they should. Mr. Ericson would like to see more administrative approvals and the establishment of an escrow system that handles the entire planning process for a project. Article 10 mainly repeats state law. Appendices: Forms need additional revision.

5. Dowling Village Phase II & III Administrative Subdivision review: Replatting of record lots 1, 2, 3, 12, 14, 16, 17 and 19. Addition of portions of lots 16 and 1 to Dowling Village Blvd right-of-way lot 3.

Mr. Biliouris recused himself from this discussion and left the meeting at 7:50 pm.

Mr. Ericson explained the request to the Board. The Board had previously granted waivers allowing angles greater than 200 degrees on the Phase II and III Major Land Development plan. The applicant needs to shift lot lines to add undeveloped land to the roads right-of-way (record lot 3). The plan has new angles greater than 200 degrees. Mr. Ericson believes the original blanket waiver was sufficient to approve the plan, which also removes some angles

greater than 200 degrees. If Mr. Ericson has to deny the plan, it will have to come back as a Major Subdivision Plan. No one offered a differing interpretation.

Applicant Brian Bucci and the tax assessor worked together on this concept. The tax assessor fully supports the plan. Mr. Bassett asked if this is common practice. Mr. Ericson stated that it is not common practice, but it is acceptable practice. To clarify, Mr. Ericson explained that the connected road rights-of-way in Dowling Village are a lot unto themselves. The administrative subdivision plan would add stormwater management features to that lot.

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

Mr. Ericson informed the Board that there has been a minor reduction to the overall plan for Dowling Village. They have downsized slightly. He will send the Board copies of the plans as it becomes official, but it's an administrative approval, so the Board will not have to take any action.

The Board discussed the upcoming meeting schedule, in light of the fact that some members terms will be up on November 30. Mr. Simone made a motion to hold a meeting on December 8, 2011 and cancel the December 1 and December 15 meetings. Mr. Bassett seconded the motion, with all in favor.

Mr. Ericson thanked Joe Cardello for his work, as he has decided not to seek another appointment to the Board. In thanking him for his service, Mr. Ericson described how Mr. Cardello had helped us rethink reconstruction/widening of the Stone Bridge on Route 5 leading into Slatersville. The Town Administrator and Mr. Ericson met with RIDOT Director Michael Lewis and his staff to provide information on an award-winning bridge reconstruction in Kentucky that used accelerated construction, and a precast/pre-stressed cantilever design. In 30 minutes, the meeting attendees did a whiteboard conceptual redesign that will require one construction season rather than two.

Mr. Cardello made a motion to adjourn at 8:09 pm. Mr. Simone seconded the motion, with all in favor.

Submitted by Angela Pugliese