

Town of North Smithfield Planning Board Meeting

Kendall-Dean School, 83 Green Street

Thursday, January 24, 2013, 7:00 PM

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

1. Roll Call

Present: Chair Dr. Lucien Benoit, Art Bassett, Dean Naylor, Gene Simone. Absent: Mali Jones, Gene Currie. Also present were Town Planner Bob Ericson and Town Solicitor James Lombardi.

2. Approval of Minutes: January 3, 2013

Mr. Naylor made a motion to approve the minutes of January 3, 2013, as corrected. Mr. Simone seconded the motion, with all in favor.

3. CVS Traffic Exit Plan Modification: Discussion vote or other action regarding closing of median cut-through at CVS in Dowling Village Phase I. The applicant requests that it remain open until the Planning Board requires closure.

Attorney John Bolton was present for the applicant. He explained that there is a condition on the Final Plan for Dowling Village that the median divider cut-through at CVS in Dowling Village Phase I has to close when the Building Inspector issues the first Certificate of

Occupancy in Dowling Village Phase II. The applicant requests that it remain open until the Planning Board requires closure. The Chair stated that he had read the traffic report, which he found very self-explanatory, but that he has concerns about liability issues with the Planning Board making the decision to keep the median cut-through open. He suggested having the applicant's traffic engineer come to the Board to inform them when it is ready to be closed.

Mr. Ericson stated that other than Lowes, there will most likely not be another opening at Dowling Village for at least six months. At some point thereafter, perhaps October 2013, the cut-through will most likely need to be closed. Mr. Naylor asked if the Board was legally able to make a change to a condition to the Final Plan. Mr. Ericson stated that the Board is not changing the condition, but making a minor modification. Mr. Lombardi agreed that the modification is a delay rather than a reversal, so the Board can vote on this.

Mr. Simone made a motion that the CVS cut-through would be permitted to remain open until such time as the Town of North Smithfield Planning Board determines, in consultation with the applicant's traffic engineer, and by a vote of the Planning Board that the CVS cut-through must be closed due to safety and/or traffic circulation concerns. Mr. Naylor seconded the motion, with all in favor. Motion passed with a vote of 4-0.

4. Capital Budget requests: Discussion, vote or other action on capital budget requests from Town departments: Planning Department.

Mr. Ericson explained the capital budget request from the Planning Department. He said that the expectation is that a new Comprehensive Plan will be written in 2013. The Planning Board capital investment is for a 10-year Comprehensive Plan. The 2006/7 CP cost more than \$46,000. By using summer interns over two years, the department should be able to complete it for \$20,000. The state's compliance date is 2016, but the current Comprehensive Plan was never accepted by the state. The town asked for repeated extensions because there is no time limit on making a response to requested changes.

The Board discussed the amount of work estimated in creating a new plan. Mr. Ericson stated that they will not start from scratch, but new surveys must be conducted which will account for a large part of the work to be completed. Mr. Simone said he preferred getting started sooner rather than later if funding can be obtained. Mr. Bassett agreed that starting early is the best course. The Chair stated that the Board all seem to be in agreement on recommending in favor of this request.

5. Zoning Ordinance Section 17: Discussion, vote or other action on a) discrepancies between the codified version of Section 17 and the

commonly published version, b) recommendations for revisions and c) consistency with the Comprehensive Plan.

The Board reviewed Section 17 of the Zoning Ordinance as it would be presented to the Town Council. Mr. Ericson explained that the 2006 Town Council never fully passed the amendments. They had reviewed the modifications and went through the approval process, but they only approved subsidiary amendments.

The Board discussed possible revisions, including recommending the addition of a Technical Review Committee and revising Development Plan Review requirements. Regarding consistency with the Comprehensive Plan, Mr. Ericson said that the core of this section is protecting topography and natural features. There were also minor revisions, such as fees to be changed, and Mr. Ericson said he will go through and look for those minor revisions and typos.

Mr. Bassett made a motion to submit Section 17 to the Town Council for review and approval. Mr. Simone seconded the motion, with all in favor. Mr. Ericson stated that he will ask that the Town Council put it on their agenda for March 4, 2013, which will give the Planning Board time to discuss revisions during one of the February meetings.

6. Subdivision street acceptance: Discussion, vote or other action on enabling subdivision street acceptance by the Town Council.

Mr. Ericson and the Board discussed a problem that had come up recently regarding a resident who would like to rezone some property to create four house lots. The problem is that the road has not been formally accepted by the town, so the owner cannot use the extended right-of-way to access his land. Mr. Ericson stated that according to the Subdivision Regulations, once the bond is released, the town accepts, but in the town ordinance there is no method for accepting subdivision streets. He has discussed this problem with the Town Council. Currently, the Town maintains and plows these roads as if they had been accepted, so there should be a process in place for accepting the roads.

Mr. Ericson said he can write a Section 16-8 ordinance for subdivision improvement acceptance by the Town Council, which the Town Solicitor can review. A Town Council member can submit it for approval. This will set up a process by which the Planning Board will send notification to the Town Council when a bond is released and the Town Council can formally accept the road. Mr. Ericson will draft a proposal and submit it to the Board for discussion at a future meeting.

7. Planning update: Review of current events, meetings schedule.

Mr. Ericson briefly updated the Board on a complaint filed with the town about Dowling Village. RIDEM has complete jurisdiction in this matter.

Mr. Ericson informed the Board that Navigant has run into some unexpected environmental remediation that may delay their project by a few months.

Mr. Ericson also updated the Board on the transfer station proposal that was discussed at a previous meeting in January. He stated that the use is not allowed in the new use table and is not listed in the current table, so he does not see how the business can be approved.

Mr. Simone made a motion to adjourn at 8:16 pm. Mr. Bassett seconded the motion, with all in favor.

Submitted by Angela Pugliese, February 22, 2013