

**Town of North Smithfield Planning Board**

**Kendall Dean School, 83 Green Street**

**Thursday, July 18, 2013, 7:00 PM**

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

**1. Roll Call**

**Present: Chair Dr. Lucien Benoit, Dean Naylor, Art Bassett, Kerri Tunncliffe, Cynthia Roberts. Absent: Mali Jones, Gene Simone. Also present were Town Planner Robert Ericson and Town Solicitor James Lombardi III.**

**Because of the high temperatures outside and no air conditioning inside, the Chair proposed that meeting be changed to include agenda items 1 and 3-6 only, and that all other items be moved to the following meeting. Motion by Mr. Naylor, second by Mr. Bassett with all in favor.**

**2. Pontarelli Subdivision Plan: Preliminary Minor Subdivision Plan with no public improvements. Discussion, vote or other action on the Preliminary Plan.**

**Mr. Pontarelli appeared before the Planning Board because he was granted acceptance of a minor subdivision in error by the Zoning Board. Mr. Ericson explained that Mr. Pontarelli went before the**

**Zoning Board for dimensional variances and was granted a minor subdivision as well. Mr. Pontarelli was not informed of the correct process for a minor subdivision, which includes approval by the Planning Board. Mr. Ericson explained that aside from the acceptance, Mr. Pontarelli was granted overly broad dimensional variances so that he no longer has setback requirements.**

**There was no test for dimensional variances; the Zoning Board found a hardship in the land, the test for a use variance, but that was based on incorrect testimony as to the zoning of other properties on McCann Street.**

**Originally the property consisted of three lots, but because they were non-conforming and held in common ownership, the lots were merged by the Town Tax Assessor in 2009. Mr. Pontarelli is seeking to divide his one lot into two lots. Because the Zoning Board has no authority to grant subdivision acceptance, Mr. Pontarelli is appearing now before the Planning Board for approval.**

**Mr. Steve Archambault, assistant Town Solicitor, filed a memo to the Planning Board stating that the Zoning Board acted out of order and recommends the approval of the subdivision be rescinded and any fees returned.**

**Mr. Ericson is not declaring the plan to be complete or incomplete. He is recommending that the Board review the plan that was submitted.**

**The only thing missing from the plan is the location of the wells, but because the street is sewerred, this should not be a problem. Mr. Ericson is recommending the plan be approved with the condition that a correct variance is received from the Zoning Board.**

**Discussion ensued and Mr. Naylor made a motion to approve the Pontarelli subdivision with the condition that a properly approved zoning variance be obtained from the Zoning Board. Mr. Bassett seconded with all in favor. Mr. Ericson will approve the subdivision Final Plan administratively.**

**A short recess was taken at 7:16 for Mr. Ericson to speak with Mr. Pontarelli about his next steps in the process.**

**Meeting reconvened at 7:18 p.m.**

**3. Darcy Chiulli Realty Trust Subdivision Plan: Discussion, vote or other action on the pre-application for a Major Subdivision Plan to create two new lots from one.**

**Surveyor Norbert Therrian appeared representing the Darcy Chiulli Realty Trust. This is a pre-application meeting to discuss the creation of two lots from one on 35 Railroad Street.**

**The applicant is proposing to create a new lot from more than half of the original lot. The new lot will have a separate driveway, well and**

septic system. Mr. Ericson stated that the lot is zoned manufacturing and the master plan will be required to show stormwater management in adherence to DEM regulations. Mr. Therrian stated there are no wetlands on the property, no ledge and mostly sandy soils. He will submit a site plan review at a later date.

Mr. Bassett commented that the frontage is open with no curbing. Mr. Therrian stated RIDOT will require curbing at both new entrances. Mr. Naylor expressed his concern about two exits onto Providence Pike and the impact on traffic patterns. Mr. Therrian assured the Board that the plan will accommodate the traffic in the area.

Chairman Benoit asked if there is an existing well on the proposed new lot and Mr. Therrian said a new well will be installed. When asked by the Chairman if the existing septic system will be used, Mr. Therrian said if the existing structures are used, there will be changes that will require acceptance. Mr. Therrian said that RIDOT will review the plans when the structure is decided.

Mr. Ericson noted that no vote was required. Chairman Benoit asked for a consensus to permit the applicant to move forward to Master Plan; no member objected.

4. Waiver request from Walgreens: Walgreens is seeking a waiver to submit a Preliminary Major Land Development Plan before actually receiving a RIDOT Physical Access Permit (PAP).

**Attorney Elizabeth Noonan was present representing the applicant. Ms. Noonan stated the site is well-defined, access clearly defined, the traffic engineers are working with RIDOT and the applicant would like to start building in September. For these reasons, the applicant is seeking a waiver. The Preliminary Plan will be submitted at the August 15, 2013 Planning Board meeting.**

**Chairman Benoit asked if Ms. Noonan has ever seen RIDOT deny a PAP with such clearly defined access and Ms. Noonan responded negative. No one on the Board stated any concerns. Mr. Ericson said the Final Plan approval will be subject to PAP.**

**Mr. Bassett made a motion to approve the waiver to submit a Preliminary Major Land Development Plan before receiving a RIDOT Physical Access Permit. Ms. Tunncliffe seconded with all in favor.**

**5. Delegate selection, Public Facilities Advisory Task Force: Discussion, vote or other action to select a Planning Board delegate to the PFATF.**

**Mr. Bassett had volunteered to serve as the Planning Board delegate. The Chair asked if anyone objected. Mr. Ericson recommended that a vote be taken for the record. The Chair then polled members: Aye: Ms. Tunncliffe, Mr. Bassett, Mr. Naylor, Ms. Roberts, and Chairman Benoit. Nay: none.**

## **6. Adjournment**

**Mr. Naylor made a motion to adjourn at 7:45 pm. Mr. Bassett seconded with all in favor. The next Planning Board meeting will be August 15, 2013.**

**Submitted by Bobbi Moneghan, July 31, 2013**