

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, August 15, 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, Mali Jones, Eugene Simone, Kerri Tunnicliffe. Absent: Arthur Bassett, and Cynthia Roberts. Also present were Town Planner Robert Ericson and Town Solicitor James Lombardi III.

2. Disclosure

The Town Planner made disclosure that Planning Board members and alternates receive no compensation. Each may disclose any relationships related to matters before the Board that might create an appearance of impropriety. Mr. Ericson discussed recusal and abstention as remedial options.

3. Approval of minutes, April 4, 2013, May 2, May 16, July 18, 2013

Mr. Ericson stated the April 4, 2013 minutes were previously approved and filed with the Secretary of State. He stated that the Planning Board can re-open the minutes to amend according to Robert's Rule of Order but cannot add something that was not said.

Chairman Benoit said the minutes are in conflict with the plans presented. Mr. Lombardi said that clarifications can be discussed at the next meeting in September.

Mr. Naylor made a motion to approve the minutes of May 2, 2013. Mr. Simone seconded the motion, with all in favor.

Mr. Naylor made a motion to approve the minutes of May 16, 2013. Mr. Simone seconded the motion, with all in favor.

Mr. Naylor made a motion to approve the minutes of July 18, 2013. Mr. Simone seconded the motion. Ms. Jones abstained since she was not at this meeting. Others were in favor.

4. Walgreen's Pharmacy: Major Land Development Preliminary Plan with Public Hearing

Owner/Applicant: Mars Enterprises LLC/Arista Development LLC

Location: Eddie Dowling Hwy & Park Ave., Assessor's Plat 21, Lots 33 & 66

Zoning: BH (Business Highway)

Attorney Elizabeth Noonan was present representing the applicant. Ms. Noonan stated they are seeking Preliminary Plan approval following the Master Plan approval. The Fire Department has no problems or concerns. There will be a rear entrance for delivery trucks. Environmental issues were presented for Master Plans. Mr.

Ericson received a PDF with changes and will forward them to the Planning Board. Mr. Ericson said they still need the RIDOT Physical Access Permit (PAP).

Josh Swerling from Bohler Engineering discussed the mixed use lot and the minor relocation of two utility poles. He informed the Board that the water department has expressed a need for a meter box and there are no sewer issues. The Master Plans were changed slightly by twisting the building putting a buffer between Walgreens and the Stop & Shop driveway and curbing. Landscape plans have been reviewed by Mr. Ericson. Mr. Joe Casali, PE recommended minor changes to the stormwater management system. No dimensional variance is needed.

Ms. Tunncliffe expressed concerns with snow removal. Those concerns were discussed. The engineer noted that snow from large storms would be trucked off-site. Mr. Naylor asked about the fence on the wall being 4 feet and whether there will be any obstruction exiting to RT146. The engineer replied that there would be no obstruction.

Mr. Doug Benoit said there was a gas station on the land that has been closed for some time, and if any petroleum is found under the site they will contact DEM. The applicant will provide documents for remediation and any plans that go with it.

Ms. Noonan said there are three standing signs which will be reduced

to two signs. They will go before the Zoning Board for relief if needed. Mr. Doug Mosher the architect came up with a design for 14,900 square feet for the first and second floors combined. The building will be fully sprinklered and fully alarmed. The building is handicapped accessible. Walgreens qualifies and participates in the Energy Star program and has agreed to design this building to that level. The building design is mostly brick instead of clapboard. Since there is no loading dock, delivery will be done off-business hours with mainly PUP trucks that do not interfere with business in the back of the building. Problems with the location of the drive-thru window in relation to the delivery trucks were discussed. Walgreens do not want to inconvenience their customers. Ms. Noonan and Mr. Mosher met with Mr. Benoit, the Zoning Official, regarding the sign package conformance. Mr. Benoit has been on vacation so Ms. Noonan was unable to confirm his decision. The plan shows conformance.

Mr. Ericson confirmed that the signage needs to be discussed with Mr. Benoit, but the plans they are presenting are in conformance. If Mr. Benoit does not find compliance, the applicant will need to go for a variance. Chair Benoit asked about the hours of operation. Walgreens would like to operate 24/7. Mr. Ericson said there are no restrictions on 24 hour operations in town except for restaurants. Mr. Ericson is pleased that all parties made a connection with the Energy Star program.

Chair Benoit reviewed the changes suggested for the Preliminary

Plan and determined that they have been met. Mr. Lombardi stated the Planning Board is scheduled for a public hearing and Chairman Benoit invited the public to comment for or against the proposal. There were no comments. At 7:41 pm the public hearing was opened and closed.

Mr. Naylor made a motion to approve the Preliminary Plans for Walgreen's, Assessor's Plat 21, Lots 33 & 66, with the condition that PAP approval is received and is consistent with the plan. The PAP will be provided to Mr. Ericson and RI Law states that the final plan comes back to the Administrative Officer. Motion was seconded by Mr. Simone and Ms. Tunncliffe with all in favor.

Mr. Lombardi left the meeting at 7:45 PM.

5. Zoning Ordinance Section 17 review: Mr. Ericson said the Town Council is in the middle of the first reading and Council members made suggested changes beginning on page 17-2, the Site Plan Review section and specifically 17.3.1. Currently Site Plan Review is set up as a minor subdivision with no public improvements and this will be changed so that projects over 5000 square feet will become Major Subdivisions. The last paragraph of section 17.3.1 states that the while the Planning Board assumes responsibility for processing site reviews, the Board may rely on the expertise of other staff members in an advisory capacity. Mr. Ericson is holding a meeting once a month with staff members that have helpful knowledge and

expertise, including the Tax Assessor. This will be kept an informal organization and not have a formal name.

Under Section 17.5, Site plan contents, #4 Plan Drawings, Plan will be drawn on sheets no greater than 40 inches long by 28 inches wide should be changed to 36 x 24. On page 17-7, Section 17.8.1 Site Planning, item # 4, steep slopes above 15% as measured over a 10 foot interval should be preserved as undeveloped open space lot area in accordance with applicable Federal, State and Town Regulations and Ordinances. There is a brand new law called the Slopes Law that says for measurement of land applicable to acreage of the zone with slopes over 15% shall not be excluded. It does not say that they can't be required to be dedicated as open space. This section is not in conflict with the Slopes Law. On page 17-9 there is another reference to land with slopes over 15% being preserved. This is not in conflict with the Slope Law.

In Section 17.8.2 all references to ISDS should be changed to OWTS and BMP should be changed to Low Impact Development (LID) techniques. On page 17-19 Section 17.8.3 it is stated parking areas shall be located to the rear or sides of buildings out of sight from passing traffic to the greatest extent possible. This is something the Board may want to discuss further. The Board may want to look at page 17-31 under section 17.8.6 where it says roofs should have two of the following features and decide if they want to modify those.

On page 17-34, section 17.9, Waivers, discusses the permitting authority of the Planning Board and Zoning Board. Mr. Ericson clarified that only the Zoning Board can grant variances and that anything that is not a use variance is a dimensional variance. Mr. Ericson recommended separating the Planning Board and Zoning Board of Review. Article 5 in the Land Development and Subdivision Regulations parallels this. This is a tricky situation between Article 5 in the LDSR and Section 17 of the Zoning Ordinance. If the origin is in the Zoning Ordinance and it is also referenced in the LDSR, the Planning Board cannot grant a waiver on the land development part that references the Zoning Ordinance.

Mr. Ericson will write for this section for the Town Council for legality.

On page 17-37 #20, strike out the minus before the A. On page 17-27: remove the labeled lamp fixture from the drawing. The Planning Board can send issues to the Town Council by either acting as a body or sending them individually as citizens.

Chair Benoit expressed concern with properties with slopes over 15% being put into open space. He believes it stymies economic development and is the unlawful taking of land. The Town Council did not raise the issue. The Chair hopes they reconsider this restriction.

Chair Benoit moved that he hopes the Town Council will not be in favor of placing land with 15% grades into open space. Mr. Simone

seconded the motion. Ms. Tunncliffe asked about the Slopes Law overview. Section 5-5.3 has not passed. State law says no town can exclude the use of land with a slope over 15% minimum to meet zoning requirements, but wetlands exclusions are still allowed. A motion was made by Chair Benoit and seconded by Mr. Simone to send a communication to the Town Council that they are not in favor of forcing landowners to put 15% slopes into open space. Mr. Ericson recommended that a vote be taken. The Chair then polled members: Aye: Chair Benoit and Mr. Simone. Nay: Ms. Jones, Mr. Naylor and Ms. Tunncliffe. The motion failed 3 to 2; however, Mr. Ericson said any individual person can send a communication to the Town Council and ask it to be placed in the Public Record. Ms. Tunncliffe asked about the vegetative buffer on page 17-11. It is now 6 feet for a fence between a commercial and residential zone.

6. Land Development & Subdivision Regulations: Mr. Ericson discussed Article 5.12. Construction Method and explained the problems at Pound Hill Estates with paving in the new subdivision. Upon inspection, engineer Joe Casali reported the road work does not match the specs of the plan. This will be repaired and the \$15,000 surety will not be used.

In Article 5.7, Standards for the Construction of Public Improvements, #3, Miscellaneous Street Requirements, g. Minor residential streets shall have a paved width of 30 feet will be changed to 26 feet. The following verbiage was added: Where the Planning Board finds that

topography, soils and other factors allow natural swale drainage and no curbing, twenty-two (22) feet may be allowed for cul-de-sacs serving no more than four (4) residential dwellings.

Chair Benoit requested copies of the underground drainage reports from Pound Hill Estates. Mr. Ericson will send all the reports out to the Planning Board members in sections.

Other changes were discussed with no discussion.

A second case study was Marshfield Commons. North Smithfield does not have specifications for pervious pavement and they cannot meet the specifications for impervious pavement. Mr. Ericson suggested a section be added to the document that says the Planning Board may allow construction of pervious pavement for parking or minor subdivision roadways in cases where it's appropriate. However, it must meet current best practice standards.

7. Solar installations: Mr. Ericson recommended that the Planning Board wait for Burrillville to pass their proposed zoning ordinance for solar installations and then use it to write the solar ordinance.

8. Changes in technical assistance: Mr. Ericson recommended full meetings once a month on the third Thursday unless a plan needs to be reviewed. He suggested working as teams of two on Comprehensive Plan development. This will be discussed at the next

meeting. Mr. Ericson said they need to be in compliance in 2015.

9. Planning Update: Mr. Ericson discussed temporary traffic lights on the one-way bridge. The plan is to start bridge work next spring. If they start in April 2014, it should be done by November and the bridge will be closed only seven months. Dowling Village Modification #5 is currently in review for multiple stores: Sleepy's in Retail 6 along with SuperCuts and GNC. Kohl's will be in Retail 4, Planet Fitness in Retail 8, and Aspen Dental in Office 2.

Mr. Naylor discussed the problems of traffic circulation at the intersection of the high school.

10. Adjournment

Mr. Benoit made a motion to adjourn at 9:05 PM. Mr. Naylor seconded the motion, with all in favor. The next Planning Board meeting will be September 19, 2013.

Submitted by Diane Agostini, September 1, 2013.

Edited by Bobbi Moneghan September 11, 2013