

**Town of North Smithfield Planning Board**

**Kendall Dean School, 83 Green Street**

**Thursday, September 19, 2013, 7:00 PM**

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

**1. Roll Call**

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

**2. Minutes of August 15, 2013**

**Chairman Benoit pointed out an error on page 3 where the word 'for' should be excluded. Mr. Simone made a motion to accept the minutes with the modification. Ms. Tunnickliffe seconded with all in favor.**

**Dean Naylor arrived at 7:03 pm**

**3. Disclosure: This is the point where anyone can disclose potential conflicts related to matters before the Board. No one had disclosure comments.**

**4. Minor Subdivision Preliminary Plan**

**Owner/applicant: Edward Baffoni**

**Assessor's Plat 14, Lot 22, Zoning: RA (residential 65,000 sq ft)**

**Edward Baffoni appeared on his own behalf. He is developing a Minor Subdivision at 393 Providence Pike. All plans and documentation were included in the package sent to the Planning Board previously. He passed the Physical Alteration Permit (PAP) around to the Board members. The Permit will be put into the records for the subdivision.**

**Chairman Benoit asked if the driveway entrance to the subdivision is at the crest of the hill on the north side of the property. Mr. Baffoni stated that he moved it from the south side of the property to the north side for safe visibility purposes.**

**Chairman Benoit asked if Mr. Baffoni has the OWTS and septic system design approved by DEM. Mr. Baffoni answered affirmatively and showed it to the Mr. Ericson for approval. It is a pump system. Mr. Ericson verified it was a standard leach field design.**

**Mr. Naylor stated there are different names on the PAP and the subdivision application. Mr. Baffoni explained the names differences and assured the Board that at the end of the project a quit claim deed will be done and the property will be in Mr. Baffoni's name.**

**Chairman Benoit asked if the rare (endangered) yellow lady slipper will be protected. Mr. Baffoni verified the plants are on the abutting**

**lot owned by themselves and have been preserved.**

**Mr. Ericson reminded the Board that the OWTS is not a required document for the subdivision application. The soil verification and depth to water table are required, and they were included in the submitted documents.**

**Mr. Bassett made a motion to approve the Minor Subdivision Preliminary Plan from owner/applicant Edward Baffoni, location 393 Douglas Turnpike, Plat 14 Lot 22, Zoning RA. Mr. Simone seconded with all in favor.**

#### **5. Subdivision Master Plan with public hearing and waiver**

**Owner/applicant: Darcy Chiulli Realty Trust**

**Assessor's Plat 4, Lot 229, Zoning: M (manufacturing)**

**Paul Richardson of National Land Surveyors appeared for the applicants. Chairman Benoit asked if there will be a request for a waiver. Mr. Ericson stated the applicant is seeking a waiver for the Stormwater Management Plan as required at this level. Mr. Richardson is proposing that after the sale of the property, the new owner would be required to do a Stormwater Management Plan (SWMP) at Site Plan Review level and this will be noted on the plan. The reason for the request for a waiver is because the property is being sold and the future use is unknown. Mr. Ericson stated that it would be expeditious to do it this way (waive SWMP) and help the**

owners test the value of property in the marketplace. It would allow for more flexibility in the sale and the ultimate design of the property. He would not recommend this type of waiver on another subdivision that was not as simple as this one.

Ms. Tunncliffe asked if traffic would be a concern at this stage and Mr. Ericson said this would be addressed when the property was developed.

Chairman Benoit opened the public hearing at 7:22 pm. There were no questions or comments, and the public hearing was closed at 7:22 pm.

Mr. Bassett made a motion to grant the waiver for the Stormwater Management Plan for the Major Subdivision Master Plan, owner/applicant Darcy Chiulli Realty Trust, 35 Railroad Street, Plat 4 Lot 229 zoned Manufacturing, provided that the SWMP plan will be part of Site Plan Review. Mr. Simone seconded with all in favor.

Mr. Bassett made a motion to approve the Chiulli Major Subdivision Master Plan owner/applicant Darcy Chiulli Realty Trust, 35 Railroad Street, Plat 4 Lot 229, zoning Manufacturing. Mr. Simone seconded with all in favor.

**6. Pre-application meeting: Open Space Subdivision**

**Owner/applicant: RAM Investment Assoc LLC**

**Location: Off Dowling Village Way**

**Assessor's Plat 21 Lot 418 Zoning: Land Development Project by Special Use Permit**

**Len Bradley, Professional Engineer from Diprete Engineering appeared for the owner/applicant. Mr. Bradley described the proposed division of lot 418 into two lots, one lot to be 40 acres and the other 2.54 acres. This subdivision is being done to facilitate the purchase by the Town of North Smithfield of the forty acre lot to be designated open space. The smaller lot could potentially be the site of a wind turbine. The lot is split because DEM will be providing funding for open space and will not provide funding for sites of wind turbines.**

**Mr. Ericson explained that the lot has to be purchased as two lots. When the forty acres is purchased with DEM funds there must be a conservation easement done simultaneously. He asked the Board to consider combining Master Plan and Preliminary Plan in the interest of time so that the purchase can take place on October 31, 2013. This means there would be two public hearings on the same day. Mr. Ericson asked the Board to consider meeting on October 10, 2013 for both public hearings.**

**Mr. Ericson described the small lot as being where a possible wind turbine may be installed that can be maintained by ATV and will not require a road other than the path as it exists today. An access**

**easement would be necessary through the smaller lot to get into the forty acres of open space.**

**Chairman Benoit asked Mr. Ericson about the likelihood of a wind turbine being built on the small lot. Mr. Ericson said that the Town Council has not approved waiving the tangible tax, and it is therefore highly unlikely it will be built by DV Wind LLC in the near future. However it is unknown what may take place five years down the road with a different Town Council.**

**Chairman Benoit stated that originally the proposal was that the wind turbine lease would make the conservation land free to the residents of North Smithfield, but now taxpayers are being asked to pay 100% because grants are paid by taxpayers. Mr. Ericson stated that the Town Council understood it was the will of taxpayers when they passed the bond that they wanted good conservation land. This Town Council has not fulfilled that wish and wants the land with or without the wind turbine.**

**Ms. Tunncliffe asked if wind turbine would have to come through Planning Board and Mr. Ericson answered affirmative. It would come through as a Major Land Development Plan.**

**Chairman Benoit asked what the special use permit grants developers to do on the lot. Mr. Ericson said it allows them to build a wind turbine of up to 496 feet or 76 multi-housing units.**

**Mr. Bassett inquired about the fall radius of the wind turbine and if there are any issues outside of the lot. Mr. Bradley spoke with engineers and explained that they do not fall the height of the turbine, they fall apart. There is nothing preventing the building of a turbine of that size. Mr. Bradley said there is 150 ft square on the lot and if it collapsed it would be into the open space but not onto the buildings that are in existence.**

**Mr. Simone asked about the funding of the conservation land as referred to by Chairman Benoit.**

**Mr. Ericson explained the total cost of the land is \$925,000. DEM will pay \$400,000. The grant is to the Land Trust and the Town combined, and they will be joint owners. The bond will cost between \$40,000 and \$55,000 depending on the rate. A \$3 million bond for conservation land was approved in 2006.**

**Caroly Shumway, president of NS Land Trust met with DEM last week regarding valuation of the property. The original appraisal was for 42.54 acres, but now it is for 40 acres and the new appraisal is \$990,000. Ms. Shumway stated that this appraisal is on par with the appraisal of the seller, RAM Investments.**

**Mr. Bradley asked for comments on the layout of the lots. DiPrete Engineering believes they are making the best use of the land and utilizing as much of existing gravel road as possible. Chairman**

**Benoit asked about encroachment of the access road into wetlands and endangered species areas. Mr. Bradley said there is no crossing of wetlands needed for the access road.**

**The Board determined that there will be a meeting on October 10, 2013 to consider the Master Plan and the Preliminary Plan for RAM Investment. The Board agreed to hold two public hearings on the same day. The public hearings will be advertised separately. With the exception of Ms. Tunncliffe, all Board members present will be available for the October 10, 2013 meeting date.**

#### **7. Pre-application meeting: Slater Village**

**Owner/applicant: DAS Contracting Corp**

**Location: Off Victory Highway**

**Assessor's Plat 1, Lots 127,134,330 Zoning: RU (residential 20,000 sq feet)**

**Richard Kirby of 155 South Main St in Providence, RI was present representing owner/applicant DAS Contracting. The plan is to build a facility with 120 units for assisted living, 55+ active living, and a nursing home..**

**The owner/applicant petitioned the Town Council for the rezoning of the property and identified a potential permanent haul road from Silver Pines I. The Town Council opinion was that the road would be limited to emergency ingress/egress only. The applicant is amenable**

**to go back to the Town Council to ask for a permanent road for Silver Pines residents to use to access Route 102.**

**Joe Casali of Casali Engineering discussed a PowerPoint presentation of the design of Slater Village between Routes 102 and Main Street. The area is 7.5 acres in the urban residential (RU) zone. Mr. Casali presented the wetland delineations, soil profiles, identification of ledge, water table depth and topography. He explained the driveway location on Route 102 created at where stopping sight distance is best.**

**Mr. Casali went on to explain the use of porous pavement in Slater Village and Chairman Benoit asked about the success of porous pavement in New England. Mr. Casali said porous pavement is more suitable in New England because it decreases the amount of snow removal needed and reduces the quantity of sand and salt needed. He explained that these surfaces have to be maintained, cleaned and vacuumed.**

**Ms. Tunncliffe asked if there will be a traffic study done for this project and Mr. Casali answered positively, emphasizing the importance of stopping sight distance at the driveway exit. Mr. Kirby added that a traffic study was done for the rezoning.**

**Mr. Naylor asked who would enforce the care of the porous pavement. Mr. Casali answered that the homeowners association will**

**be responsible for care of the pavement and the Town has to enforce it.**

**Mr. Naylor asked if the roads will remain private and they will. Mr. Bassett asked if the connector road between Silver Pines and Slater Village will become a cut-through street. He suggested it be marked as a private road. There was much discussion of the connector road between Silver Pines and Slater Village.**

**Mr. Simone asked what would happen if the porous pavement did not work. Mr. Casali said that it would be handled the same way as any other drainage system failure.**

**Mr. Naylor does not support the Planning Board making a request to the Town Council regarding the designation of a connector road.**

**Chairman Benoit suggested polling the residents of Silver Pines for the creation of a connector street. Mr. Kirby agreed this could be done. The Board would like to know the responses of the residents before making any requests to the Town Council. Mr. Naylor did not agree that the Board should suggest such a process.**

**Mr. John O'Hearn, O'Hearn Associates Architects, Main Street, Slatersville, RI presented renderings of Slater Village. The buildings are designed as colonial buildings. There will be 37 garages, 222 parking spaces, only the ends of the buildings will be visible from the**

street. There will be elevators in each building and green materials will be used as much as possible. Chairman Benoit asked about the presence of basements. Mr. O'Hearn stated there would be a combination of garages and basement storage.

A resident came forward to make a statement on this development. Mr. Lombardi noted that the Planning Board is not permitted to respond to statements made by the audience. Mr. Joe DeMayo, resident of Silver Pines, 62 Alpine Way said he was representing the residents at Silver Pines I. He stated the residents are against the connector road because they believe it will become a cut-through street.

The Board took a two minute recess at 9:12 pm.

8. Proposed clarifications: Discussion, vote or other action on Chairman Benoit's proposed clarification for the record of applicant's testimony regarding Navigant Credit Union.

Regarding the minutes related to the discussion of the project of owner/applicant Navigant Credit Union, Chairman Benoit explained the clarifications to the minutes. The Planning Board can discuss them but cannot make changes to the approved minutes. He stated for the record "In regard to the Navigant application, monitoring wells will be placed throughout the site and a porous plastic barrier will be installed two feet down in areas not covered by the building and

**asphalt. Clean soil will then be installed on top of the porous plastic cap barrier. Infiltration will not be promoted in the bio-retention area and sub-drains will collect the water that will be routed to the DOT drainage on Victory Highway.”**

**Chairman Benoit stated that the minutes that were approved stated that there would be non-porous barrier. Mr. Ericson said that the term non-porous was not used, and it is inappropriate to assume that all plastic material is non-porous.**

**Mr. Lombardi left the meeting at 9:18 pm.**

**9. Land Development and Subdivision Regulations: Review and discussion of application and review process related to proposed changes to Articles I-III and Appendix A (Forms). No votes will be taken before a public hearing in November or later.**

**Mr. Ericson is encouraging the submission of PDF plans for review at the pre-application stage. This way design changes can be made before printing. By the time the Planning Board receives the plans, mistakes have been fixed and the review can move quickly. The Board was asked if they want to make the submission of PDFs to be part of the subdivision submission.**

**Mr. Ericson asked if it should be included in the regulations that the owner/applicant can bring as much information as they want to the**

**pre-application meeting.**

**The Master Plan Public Hearing is called an informational meeting. The approval of the Master Plan means the Board has accepted the concepts of the plan going forward.**

**Mr. Ericson suggested that site visits are no longer required because of the availability of aerial photographs. GIS Analyst Bobbi Moneghan can prepare an aerial photograph of the area with lot lines, wetlands and other pertinent information. If someone on the Board would prefer to do a site visit for a particular application, it can be requested. Under RI state law, lack of a site visit is not considered a deficiency.**

**Mr. Ericson explained why the term Preliminary Plan is misleading. The Preliminary Plan is done after the Master Plan and is all but final. Most of the time, the owner/applicant does not return to the Planning Board after Preliminary Plan approval. The administrative officer determines if the plan meets the requirements and obtains the appropriate signatures. If the administrative officer determines that the plan does not meet the requirements, the owner/applicant must return to the Planning Board.**

**The terms Land Development and Subdivision are not interchangeable.**

**10. Planning Update: Summary of new developments with Dowling Village, Pound Hill Estates planned bridge work, applications in process, BRV Heritage Corridor projects, Public Facilities Advisory Task Force, related meetings and meeting schedule.**

**Mr. Ericson, Mr. Bassett, Mr. Flaherty and Jeff Harris of the Conservation Commission met to initiate the RFP process for analysis of the uses of Kendall Dean/Main Street Town Hall and Bushee School as well as the possibility of a single Town Hall and School Department in one building.**

**11. Forestdale Historic District:**

**Mr. Bassett made a motion to find the Forestdale Historic District consistent with the North Smithfield Comprehensive Plan. Mr. Naylor and Ms. Tunncliffe seconded with all in favor.**

**12. Adjournment**

**Mr. Simone made a motion to adjourn at 9:36 pm. Mr. Bassett seconded with all in favor. Next Planning Board meeting will be October 10, 2013.**

**Submitted by Bobbi Moneghan, October 3, 2013**