

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, March 20, 2014, 7:00 PM

The Chair called the meeting to order at 7:03 pm.

1. Roll Call

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

2. Approval of Minutes: February 20, 2014

Dr. Benoit and Ms. Jones brought up the following changes to be made to the minutes of February 20, 2014:

o Page 1: Last paragraph the word or in the final sentence should be replaced with the word on

o Page 2: Under 4. Capital Budget, in bullet point 3 where it describes the two 2014 Ford Interceptors with all-wheel drive at a cost of \$66,970.00 and one Motorola XTL, the word one is used twice and one occurrence should be removed

o Page 5, First paragraph last sentence: The word designed should be removed and the sentence should read; A new fire alarm system has to be approved by the Town Fire Marshal.

o The part of the February 20 meeting where the asbestos in the floors at Halliwell were discussed was left out of the minutes. The asbestos discussion should be added to the minutes.

Ms. Jones made a motion to accept the minutes of February 20, 2014 as amended. Mr. Simone seconded with all in favor.

3. Disclosure: This is where anyone can disclose potential conflicts on matters before the Planning Board.

There were no disclosures.

4. Major Land Development Master Plan: Anchor Subaru

Applicant: Robert Benoit

Location: 949 Eddie Dowling Highway

Assessor's Plat 17 Lot 14, 80, 84, 167, 231

Zoning: BH and RS with proposed change from RS (Suburban Residential) to BH (Business Highway) for Plat 17 Lot 14

Attorney Mr. Mark Charleson from Mr. Igliozzi's office was present representing Anchor Subaru. Mr. Charleson was seeking a continuance of the public hearing to May 1, 2014 to assimilate the concerns brought forward by the residents abutting Anchor Subaru. Mr. Ericson stated that the Anchor Subaru applicant would like to appear before the Planning Board on April 3, 2014 for a consultation about a revised plan. Mr. Charleson clarified that Anchor Subaru was seeking a continuance and the tolling period will be delayed for the same period of time that the public hearing is postponed. Dr. Benoit made a motion to grant the continuation of the public hearing until

May 1, 2014 per the letter dated March 20, 2014 from Mr. Igliazzi, counsel for Anchor Subaru. Mr. Simone seconded. A roll call vote was taken and the results were: Aye: five, Nay: zero. Motion passed. The letter from Mr. Igliazzi was entered into the record as Exhibit 1.

Dr. Benoit made a motion to amend the agenda to move item 6 before item 5 since it was related to Anchor Subaru and would allow those present for Anchor Subaru to leave sooner. Mr. Bassett seconded with all in favor.

6. Continuation of public hearing: Proposed amendment to North Smithfield Comprehensive Plan Maps D-1 and D-2 to allow Plat 17 Lot 14 to be changed from RS to BH with appropriate transitional restrictions. Discussion, vote or other action by Planning Board

Mr. Ericson explained that when the applicant appeared before the Town Council on this proposed amendment, the Council did not continue the public hearing. The applicant then could have questioned whether the public hearing was terminated and this would have forced the Town Council into a constructive approval after 45 days with no decision. The applicant has chosen not to challenge the Town Council and to withdraw the proposed amendment to the Comprehensive Plan. Mr. Charleson, representing Anchor Subaru, requested permission to withdraw the proposed changes to the Comprehensive Plan without prejudice. Ms. Jones made a motion to accept the withdrawal of the amendment to the Comprehensive Plan

per the letter from Mr. Iglizzi dated March 20, 2014. Mr. Simone seconded. Roll call vote: Aye: five: Nay: zero. Motion passed. The letter was entered into the record as Exhibit 2.

Mr. Paul Soares, a resident of North Smithfield asked to be heard. Chairman Naylor acknowledged the public but in the best interest of the Planning Board, he said no response would be given. Mr. Soares approached the Board and asked if the Planning Board had previously determined that this change was consistent with the Comprehensive Plan. Mr. Ericson answered affirmatively and Mr. Soares asked if he could comment on the consistency. It was explained that the Board cannot respond to Mr. Soares' concerns and Mr. Lombardi added that there will be a public hearing about this and he can be heard at that time. Mr. Ericson explained to the audience that the continuance is an indication that the applicant, Anchor Subaru, is taking the concerns of the residents into consideration.

Ms. Roberts asked for an explanation of what it meant when the Planning Board voted for consistency with the Comprehensive Plan. Mr. Ericson said that the Town Council approves transitional zoning changes with significant restrictions. This whole process is problematic because a 2011 Supreme Court case involving an East Providence project favored their Comp Plan's Future Land Use Map over the existing zoning. However, the circumstances of that case differed from the present case.

The North Smithfield Planning Board attempted to make changes to the zoning to adhere to the 2006 Comprehensive Plan and the Town Council approved only one of the proposed changes. The Planning Department is currently creating a new Future Land Use Map for the 2015 Comprehensive Plan and will be soliciting input from the community.

5. Pre-application Meeting, Major Subdivision: Christina Way

Applicant: Nicholas J. Goodier, Esq.

Location: Christina Way

Assessor's Plat 14 Lots 37 and 188

Zoning: RA

Mr. Ericson stated that there was an error in the agenda item stating the pre-application meeting was for a Minor Land Development instead of the Major Subdivision. Mr. Ericson said he had spoken to the applicant, Mr. Nicholas J. Goodier, Esq., and Mr. Goodier said this was a pre-application meeting and the error was not significant, but he preferred to postpone to April 3, 2014. Mr. Bassett and Ms. Jones requested that Mr. Ericson ask the applicant to submit more readable maps and documents. The existing documents are difficult to read without a magnifying glass. Mr. Ericson said he would make the request to Mark Nyberg, the surveyor on the project.

7. Capital Budget: School Department vehicles. Discussion, vote or other action on Capital Budget requests

The School Department purchase of a new truck is being revisited from a prior Planning Board meeting. Mr. Ericson described the truck being requested as a one ton pickup truck with a plow (Ford F350). He spoke with Mr. Pendergast, DPW director, and Mr. Pendergast stated that a F350 4X4 would be needed to handle sanders added to the back of the truck. Mr. Ericson said the MSRP for this truck/plow combination is approximately \$38,000.00, less than the \$40,000.00 the School Department is requesting.

Mr. Steve Lindberg, North Smithfield School Superintendent was present to address the Capital Budget questions regarding the pickup truck. Mr. Lindberg thanked the Board for all their work and discussion about the budget. He stated he had spoken with Town Council President John Flaherty regarding the Task Force proposal and plans to look at the capital proposal that is not part of the bond to see if there are any changes that can be made to help out financially. He also stated the schools had received and radios from the Town and he needed to check with Mr. Kopacz to see if the budget proposal for radios would be amended.

Dr. Benoit brought up the point that the DPW department is leasing sanders and plows and suggested the School Department do the same with the plows for their trucks. He believes the option of leasing should be investigated further. Mr. Ericson stated that the DPW is leasing sanders and plows for their larger trucks, not the F350 trucks.

He said the plows and sanders are taken off the F350 after the winter season and the truck is used throughout the year. Dr. Benoit asked why the sanders and plows cannot be returned when they are not using them and would like further investigation. Mr. Ericson told the Board that the School Department already owned the sander, and if the plows were leased, they would fall into the Operational Budget instead of the Capital Budget. Mr. Lindberg agreed to look into the leasing to purchase for the plow and report back on April 3, 2014. Chairman Naylor clarified to Mr. Lindberg what information was required by the Planning Board.

8. Planning update: Summary of new developments with Public Facilities Advisory Task Force, Dowling Village, Walgreens, residential subdivisions, planned bridge work, applications in process, BRV Heritage Corridor projects, Zoning Board of Review, related meetings, and meetings schedule.

The Town of North Smithfield received an award from the Rhode Island Energy Challenge Find Your Four program run by the National Grid and Smart Power. The program was a challenge to be the first town in Rhode Island to get 5% of its residents to sign up for Find Your Four. The program challenges residents to find four ways to save energy in their homes or offices. North Smithfield was the first town to complete the challenge and will be used as an example in Rhode Island.

Mr. Ericson spoke about National Grid and their plans to build an energy efficient house focusing on affordability. Representatives will be visiting North Smithfield on Thursday, March 27, 2014.

Police Chief Reynolds will be returning to the Planning Board to ask that the two vehicles being purchased with detail funds be put into the Capital Budget. This request was made by the Town Council.

Mr. Ericson stated that Walgreens has made a change to their lighting plan and will be replacing all lighting with LED lights. This is a minor plan change that can be done administratively. Their plan to break ground has been delayed because of lease negotiations with Stop and Shop. Navigant is scheduled to begin building in spring of 2015. Aspen Dental is under construction, and Firestone Tires is almost complete. There is no other activity going on in Dowling Village. Kohl's has not picked up its building permit yet.

Mr. Bassett asked about the gas tanks at Marshfield Commons. Mr. Ericson stated The gas tanks are long gone. In review, he noted that when Hurricane Sandy occurred, all utility resources that were to be used to put gas lines in were deployed elsewhere. The landscapers came in ahead of them and compromised the porosity of the lower part of the road with silt, and therefore the pavement had to be redone.

3. Adjournment

Mr. Simone made a motion to adjourn at 7:51 pm. Mr. Bassett seconded with all in favor.

Submitted by Bobbi Moneghan on March 27, 2014