

Town of North Smithfield Planning Board  
Kendall Dean School, 83 Green Street  
Thursday, April 10, 2014, 7:00 PM

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

**1. Roll Call**

Present: Chairman Dean Naylor, Lucien Benoit, 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: March 17, 2014 and March 20, 2014**

March 17, 2014: Ms. Jones made a motion to accept the minutes. Mr. Bassett seconded with all in favor.

March 20, 2014: Dr. Benoit pointed out that his name was missing from the roll call so it will be added. Chairman Naylor made a correction on page 3, last paragraph of section 7, Capital Budget. He changed the last sentence in that paragraph to read, "Chairman Naylor clarified that Mr. Lindberg would research what information was required for purchasing the plow as well." Dr. Benoit made a motion to accept the minutes with corrections. 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. 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**

Discussion, vote or other action by Planning Board

Attorney Nicholas Goodier was present representing the estate of Doris Godon. The applicant proposes an extension of a dead-end beyond 600 feet with emergency access from Leonard way and is seeking the Board's recommendation to the Zoning Board for a waiver on the allowable length of a cul-de-sac. The 2003 and 2006 Land Development and Subdivision Regulations both set 600 feet as the limit on dead-ends. Mr. Goodier submitted a new set of plans showing seven new lots all meeting dimensional requirements. The proposal would require a waiver for a 2700 foot length of the cul-de-sac. It is being proposed to create a 20 foot wide emergency access through proposed lot 5 extending to the Leonard Drive extension. Mr. Goodier stated that Fire Chief Jillson has reviewed the plan and did not have any issues with the cul-de-sac or the emergency access. Mr. Goodier is seeking feedback before coming back with the Master Plan. Mr. Goodier said that for maintenance of the emergency access easement, the neighbors would have to create a homeowners association that would maintain it and report back to the Town that the road was passable.

Mr. Goodier also spoke to the possibility of no emergency access road and suggested that he could talk to the Fire Department about that. This would be presented in the Master Plan if it becomes part of the plan.

Reviewing the plan, Mr. Goodier pointed out a drainage facility on proposed lot 3. He said the property is not in a flood plain, does not contain wetlands and will include septic systems and wells. He does not expect any problems with the septic systems or wells.

Ms. Jones asked about the Leonard Drive extension in relation to the Rolling Acres subdivision and the condition of the extension. Mr. Goodier stated that Leonard Drive is not developed right now and is wooded. Ms. Jones said she would like to see more in-depth information on the Leonard Drive extension on the Master Plan. Mr. Goodier said if they progress with the easement as seen in this plan, a condition of approval would be that the proposed easement and extension would be passable (gravel road) as determined by the Town Planner and the Fire Department. Ms. Jones commented that if the extension of Leonard Road is not functional, its purpose is negated.

There was much discussion about the option of a 2700' dead-end with or without an easement to Leonard Drive. Mr. Ericson stated that there are two things to consider 1) fire and rescue approval of a 2700 foot cul-de-sac without extension to Leonard Road and 2) good planning practices for the Town. He would like to see written justification along with the request for the extension. Dr. Benoit commented that, in the past, creation of road stubs connecting to adjacent properties for possible connection in the future was considered good planning practice. He would oppose a 20 foot wide easement and would stress the need for a 50 foot easement.

Mr. Simone agreed that the easement should be larger than 20 feet. Ms. Roberts asked if the cul-de-sac length is within state guidelines but not without Town guidelines. Mr. Goodier said that the state limit for cul-de-sacs in new subdivisions is 600 feet and the National Fire Protection Association (NFPA) allows them to be longer. Ms. Roberts asked who would maintain the easement and Mr. Goodier said it would be the responsibility of the owner of the lot where the easement was. Mr. Goodier also stated that it is possible that the Fire Chief will not take issue with the lack of easement and just building a cul-de-sac.

It is ultimately up to the Planning Board to approve the waiver. Dr. Benoit reiterated that providing for the need for future interconnectivity is good planning practice and Chairman Naylor stated that he would be hesitant to grant the waiver since there was a plan for Leonard Drive connectivity in a former plan. Mr Goodier will investigate and formalize the waiver request and provide justification. He will discuss the interconnectivity option with the Town Planner.

##### **5. Major Land Development consultation: Anchor Subaru**

**Applicant:** Robert Benoit

**Location:** 949 Eddie Dowling Highway

**Assessor's Plat 17 Lot 14, 16, 80, 84, 142, 167, 199 & 231**

**Zoning: BH and RS** with proposed change from RS (Suburban Residential) to BH (Business Highway) for Plat 17 Lots 14, 84, 199 & 142

Discussion, vote or other action by Planning Board. This is not a formal stage of the approval process, and votes will be limited to determining preferences for elements in a forthcoming revised Master Plan submission.

Attorney David Igliazzi appeared representing the applicant, Anchor Subaru. He summarized the project to date and stated the applicant's desire to present the Master Plan at the May 1, 2014 Planning Board meeting. At that meeting he will seek Master Plan approval as well as support for zoning changes and modifications to be made to the Comprehensive Plan. Mr. Igliazzi highlighted the differences between the old plan and the plan to be submitted in Master Plan review.

Recently, Mr. Benoit, owner of Anchor Subaru, purchased Plat 17 Lot 199 on Sayles Hill Rd which allows for:

- The removal of the emergency access road on lot 14
- A 100 foot buffer at the rear of lot 14 as the residents requested
- The rear of lot 14 will remain zoned RS, residential suburban, to eliminate concerns about future commercial development
- A 100 foot buffer along Sayles Hill Rd will remain RS.

The applicant is asking for only a portion of lot 14, a portion of lot 199 and a sliver of lot 84 to be rezoned BH. The rest of the area will remain RS and be protected from business development. The new plan eliminates the earth cutting on lot 14; the existing grade will be used. The new Subaru building will be moved to the front of lot 84 closer to Route 146.

Mr. Igliazzi stated that Mr. Benoit has also addressed the resident's blasting concerns. The blasting will now be at least 500 feet away from the neighbors, double the amount required by Massachusetts standards (RI has none). The planned parking lot has been moved 100 feet farther from the neighbors. The new height of the building will be lower than the sight line because of the movement of the building toward the highway. Even with the purchase of the new lot, the parking area is 12,000 square feet less than the previous proposed parking lot and there is one acre less impervious surface.

Mr. Casali, engineer for the Anchor Subaru project presented the changes made to the plan. The points of his presentation were:

- There is a stream through lot 199 and thus a jurisdictional buffer.
- Water moves west to east into a retention pond and into a culvert under RT 146.
- The new access road will be 250 feet up Sayles Hill Rd.
- There is a new location for the proposed inventory storage, employee parking, and proposed 10,000 square foot storage building
- The 100 foot buffer for the residential area will remain zone RS
- Any buildings will be 725 to 800 feet from the nearest home.

- The distance from the parking area and the closest home has increased to a 229 feet minimum.
- 4.5 acres of pavement will be impervious (compared to 5.5 acres on old plan)

Mr. Paul Bannon from RAB Professional Engineers, Inc. appeared before the Board to discuss the safety and access portion of the plan for Anchor Subaru. Mr. Bannon, who has been working with Mr. Benoit since 2008, reviewed the RIDOT plans for Route 146 in the future to make sure the plans for the new Anchor Subaru fit into the future road design. Mr. Bannon explained that RIDOT has been studying this portion of Route 146 for approximately 10 years and recently completed a Road Safety Audit. The recommendations coming from the audit included enhanced signage, additional lighting and warnings to drivers of possible congestion. In the future, RIDOT is looking to remove the signal on Route 146 and Sayles Hill Road thus remove 99% of the issues on this section of roadway. The roadway will be similar to the section of road near the Rustic Drive-In and south where the opposing traffic will be separated by a barrier. Sayles Hill Road will go over Route 146 with a loop ramp for access. Mr. Bannon stated that the new modernization of Anchor Subaru has been planned with this future road design in mind.

Mr. Iglizzi stated that many specialists were at the meeting to answer questions regarding the new Anchor Subaru plan including the landscape designer, environmental expert and blasting expert. Ms. Diane Soule, the landscape designer, came forward to answer a question from Ms. Jones, who asked if the vegetative buffer was going to change with the plan change. Ms. Soule said in the present plan there was a no cut zone with retaining walls. The buffer will now be 100 feet wide and will start lower on the Anchor Subaru property. She said the revised buffer will be comprised of infill plant materials. On the eastern most section of the property they will plant more trees including evergreens. White Spruce, Eastern Red Cedar and Douglas Fir will be used because they are tall (up to 80 feet). The shrubs will be limited to a buffer from the parking area. Dr. Benoit asked if deer are attracted to Eastern Red Cedar and White Spruce. Ms. Soule said deer do not like Eastern Red Cedar. Dr. Benoit has experienced the attraction of deer to Eastern Red Cedar. Chairman Naylor would like attractiveness to the deer to be a consideration in determining the evergreen species to be used.

Mr. Simone asked if there has been any feedback from the neighbors on this new plan. Mr. Casali replied there has not been feedback since the filing of the new plan one week ago. Mr. Ericson explained to the abutters in the audience that they can make comments and ask questions but the Planning Board cannot respond directly. He said they will be able to ask questions to the Chair and the applicant can answer the questions to the Chair. Chairman Naylor reiterated that the questions will be asked to him and the answers will be directed to him. Mr. Iglizzi explained that to date the applicant has presented the plan to the Town Council, and the residents have submitted a list of concerns to Council members. Mr. Iglizzi said the concerns of the residents have been addressed in the new plan. The concerns expressed to the Town Council were:

- The residents wanted a safety fence for the drop-off, but this will no longer be needed with the new design.
- The height of the buildings was a concern of the residents, and this will no longer be a problem because the building is being moved down lower closer to Route 146.

- Regarding the restriction on the building architecture, Mr. Iglizzi said the Subaru building architectural materials are driven by manufacture guidelines but it would be possible for the residents to have input on the design of the storage building.
- The concern from the residents regarding real estate values of their homes was solved by having a large buffer and keeping the zoning residential.
- The traffic issues are not new and this project does not increase the problem. RIDOT is aware of the problems in this area and they are being addressed.
- Another resident concern was blasting. Originally the blasting was in the parking area but now it will not be at least 500 feet from a resident's home. Massachusetts law states if blasting is within 200 feet, the developer must do a pre-blast survey. Mr. Benoit is offering a pre-blast survey to any resident no matter the distance from the project.

Chairman Naylor asked that the list of concerns be submitted to the Board as Exhibit I.

Ms. Roberts asked how the entrance to Anchor Subaru on Sayles Hill Rd will work with the RIDOT changes being made in the future to Route 146. She also asked how the RIDOT changes will impact the bus stops in the area. Mr. Bannon said the changes to RT 146 are under the Highway Safety Improvement plan. He stated that in 18 months to 2 years it will go through the design process and then put in the Transportation Improvement Plan (TIP) and funded. The funding is the biggest issue and therefore it may be 5-7 years until the changes are made to RT 146. Ms. Roberts stated that it seemed like the abutters were concerned about the entry to Anchor Subaru on Sayles Hill Rd. Mr. Bannon said the problem was the proximity to the intersection at RT 146 and that this plan is improving the queuing because the driveway is being moved farther up Sayles Hill Rd.

Mr. Ericson asked what would happen if the funding failed for the ultimate fix. He wanted to know if RIDOT would go with the 10% solution and just put an additional left turn lane onto Sayles Hill Rd southbound. Mr. Bannon said RIDOT will study that option and in the interim will put in additional signage with queue detectors. Mr. Ericson asked about the existing curb cuts and the way-finding in and out. Mr. Bannon said this will be addressed.

Mr. Simone asked about the salt storage area on the Anchor Subaru site and the potential drainage problems. Mr. Casali said there will be a salt shed and drainage will be addressed in the RIDEM permitting procedure. Dr. Benoit asked if there will be a public well on the site and where it will be located. He also asked how it will be classified. Mr. Robert Ferrari, PE from Exeter, RI and well expert answered that the new public water supply well site has not yet been determined. The addition of lot 199 gives more undeveloped area to work with. It is desirable to stay away from the northern side because of wetlands and stormwater concerns. He said the well will be a public well. However, based upon the assumption of employee population and the transient population, it will be non-transient, non-community well system meeting the requirements of the Department of Health. The well will be drilled in bedrock 200-400 feet deep with a 200-foot protective radius. The well permitting will be under the purview of the Department of Health. Chairman Naylor asked about the setback requirement from a wetland. Mr. Ferrari said this requirement is part of the assessment. Mr. Ferrari also said there will be a fire cistern onsite, and this will also be taken into account.

Mr. Bassett asked about blasting. Mr. Iglizzi stated the Town Council was only looking at blasting on lot 14. Mr. Casali said there will be significantly less and the blast line is lower. The blast line was moved off of lot 14 and moved lower to the edge of lot 84.

Mr. Benoit addressed Ms. Robert's concern about traffic. Mr. Benoit said a major issue is when the traffic backs up on Route 146 at peak times, drivers enter Sayles Hill Rd farther north on Route 146 in an attempt to avoid traffic. Mr. Benoit suggested the north entrance to Sayles Hill Rd be closed. He said resident's and Subaru customer's cars stack up at the intersection and the plan to move the driveway farther up Sayles Hill Rd should help that.

Mr. Bassett asked about the plan for lighting. Mr. Casali said the applicant is committed to no light pollution for the neighbors. Mr. Bassett also asked about noise pollution. Mr. Benoit first commented on the light pollution. He said that the original plan was to have the lighting below the site line. With the new plan, Mr. Benoit will have less lighting in the parking area near the abutters because of increased security in the parking area. The lighting is computerized and he hopes to shut it down at night. There may be motion sensors on the lights so the lights will not go on at night unless there is detected movement. Mr. Benoit then addressed the noise concern. He believes the extra 100 foot buffer will help. They are also disengaging car signal noises until customer delivery. There will be no outdoor speaker systems on the site.

Chairman Naylor said he was interested in how customers were going to get in and out of site, and how the traffic will flow on the site. He asked about the existing curb cuts and the main gate entrance onto Route 146. Mr. Bannon stated that these questions will be addressed in the Master Plan.

Chairman Naylor asked the audience if there were any questions and if so they needed to be addressed to him. Mr. Lou Phaneuf of 138 Sayles Hill Rd commented on the Anchor Subaru plan. He is concerned about the 100 foot no-cut zone and the road. He believes that Anchor Subaru should not be permitted to change any zoning on this property to BH. His other concern was lighting. Mr. Phaneuf stated that he has been to over 20 dealerships and says at 19 of those dealerships the lights face down. He said that about 63 lights (out of 90) at Anchor Subaru point toward the abutters and it would not be costly to turn the lights downward. Recessed lighting spillage could be eliminated by adding a lip to the recessed light, if that exists. His other concern is the lighting at the storage building. He said other dealerships only had lighting in the front of the dealerships.

Chairman Naylor told Mr. Phaneuf that he can submit his concerns in writing if he would prefer rather than speaking in public. Chairman Naylor told the residents in the audience that they will have the opportunity to speak at the public hearing on May 1, 2014.

Mr. Benoit addressed the lighting concerns. He stated that the lighting has been modified from 1000 watt halogen to 240 LED technology. The lights in the back lot have been pointed outward because of vandalism. With the security in the new plan there should be no need for lighting in the back lot. The new lights Mr. Benoit had installed point downward. The terrain at this dealership is not similar to other dealerships in the area and therefore has different lighting requirements. Mr. Ericson addressed Mr. Phaneuf's comment about developing the land as

residential. Mr. Ericson said that the only way to develop this land as residential would be to put one lot in the southwest corner. He said the area could be subject to conservation easement or zoned Open Space.

Mr. Paul Soares, 171 Sayles Hill Rd approached the Board and stated that although he is not pleased with the BH zoning change, Mr. Benoit has listened to the neighbor's concerns. Speaking as the Chairman of the Conservation Committee, Mr. Soares would like to see the buffer put into a conservation easement that would stay that way forever. If the land is in a conservation easement and there is a new owner to the Anchor Subaru Dealership, the owner will not be able to modify the conservation easement. Mr. Benoit said that if that concession would help him gain support from the residents, he would be open to the conservation easement.

Mr. Rick Macksoud, a resident from 134 Sayles Hill Rd stated that he has a gunnite pool with plaster and he is concerned about damage from blasting. He said he knows someone that lives nearby but is not an abutter who had damage done to his foundation due to blasting done at the Subaru site a few years ago. Mr. Macksoud would like to be reassured that the blasting will not damage his property, pool, foundation, garage etc. Mr. Benoit said he understands the blasting concerns and he believes the pre-blast survey protects people. He said the other owner with the damage to the foundation was advised to contact his insurance company. Mr. Benoit stated that if the damage was from the blasting, the softer part of the house, such as the plaster ceiling would have come down also and it did not, meaning the damage was probably from house settling. He explained the pre-blast survey and the protection it provides.

Mr. Richard Groll, a seismologist from Tyngsboro, MA was present and had reviewed the plan. Addressing the gunnite pool, he said the pool is the single most resistant structure to blasting. There will be no damage. A pre-blast inspection is being offered to all residents at no charge. The new plan doubles the distance of the blast site to the nearest home.

Chairman Naylor asked if there were any follow-up questions from the Board. There were none. Mr. Ericson asked if a basement partly pinned to bedrock is more vulnerable to vibration. Mr. Groll said the pinning to bedrock would actually prevent the home from vibrating. Mr. Groll said this project has a conservative blasting design.

Mr. Sean Kelly, resident, 195 Sayles Hill Rd came forward to speak. Mr. Kelly stated that he is against the change of zoning from RS to BH. The top lot is 4.88 acres. He wants to know how many cars will fit in that area. Mr. Benoit answered that the back lot will hold 750 cars and the employee lot will hold approximately 300 cars for a total of about 1000 cars. There will be customer service parking behind the buildings. Mr. Benoit said he will return with the exact number of cars that will be in the parking lot.

Mr. Phaneuf returned to the podium. He is concerned that there is no berm around the buffer and that the residents are going to see the lights. Mr. Benoit answered that the grade is going downward and the berm would be used if he finds it to be effective.

Mr. Iglizzi reiterated that the applicant will be asking for portion of lots 14, 199, a sliver of lot 84 and lot 142 to be recommended for a zoning change to BH at the public hearing on May 1,

2014. Concurrent with that, the applicant will be asking for a recommendation to change a map in the Comprehensive Plan. Mr. Ericson stated that lot 14 is already in for a zoning change, Lots 199, 142 and sliver of 84 will be another application that the Board will need to review for consistency with the Comprehensive Plan. He said there will be a change to the map in the Comprehensive Plan.

At 9:51 pm Dr. Benoit made a motion to recess for three minutes. Ms. Jones seconded with all in favor.

The Board reconvened at 9:57 pm and Ms. Jones made a motion to extend the Planning Board meeting by 30 minutes. Mr. Simone seconded with all in favor.

**6. Capital Budget:** Police Department, Town Administrator and School Department. Discussion, vote or other action on Capital Budget requests

Officer Cabral, fleet manager, was present representing the police department. Officer Cabral stated that a Ford Explorer 2014 Interceptor to be purchased using the cruiser detail account is being added to the capital budget for the amount \$35,000.00. Previously the Board approved the purchase of three Interceptors and radios for the department. Two Ford Focus and one Ford Interceptor are being added to the capital budget to be paid for with the cruiser detail fund. The total number of vehicles in use by the police department will be nineteen. Dr. Benoit made a motion to approve the purchase of two Ford Focus cars and one Ford Interceptor SUV by the police department. Mr. Bassett seconded the motion with all in favor.

North Smithfield School Superintendent Steven Lindberg was present representing the schools. Mr. Lindberg stated he had spoken to Town Council President John Flaherty about incorporating some of the school updates into the bond referendum. They also spoke about priorities identified as 1) window replacements 2) duct cleaning work at the high school and 3) purchase of a pickup truck. Mr. Ericson said a decision had not been made about putting the window replacement (\$30,000) in the bond and the contingency would be to put it in the Capital Budget. Mr. Bassett made a motion to recommend approval of the high school window replacement if it is not provided for in the bond. Mr. Simone seconded the motion with all in favor.

The second priority was the duct cleaning at the high school. Dr. Benoit made a motion to approve the \$200,000.00 for duct cleaning at the high school. Mr. Simone seconded with all in favor. The motion passed.

The third priority was the purchase of a 2013 or newer one-ton pickup truck. Mr. Bassett made a motion to recommend to the Town Council approval of the purchase or lease of a 2013 or newer truck with a plow for the School Department price not to exceed \$32,490.05. Dr. Benoit seconded with all in favor.

The Town Administrator budget was next on the agenda. The Town Council previously approved the purchase of a used car for the Town Administrator. The budget amount is \$15,000.00. Ms. Jones made a motion to recommend to the Town Council that the Town Administrator buy a used car, price not to exceed \$15,000.00. Mr. Simone seconded with all in favor.

**7. Planning update:** Summary of new developments with the Invest in NS bond, Dowling Village, Walgreens, residential subdivisions, planned bridge work, applications in process, BRV Heritage Corridor projects, Zoning Board of Review, energy projects and meetings schedule.

Zoning Ordinance 5.5.3 Land Unsuitable for Development was passed by the Town Council. Also the photovoltaic ordinance was passed and the ordinances are already on online on the North Smithfield website. Mr. Ericson is working with National Grid on an energy efficient rehab house in North Smithfield. Mr. Ericson has finished review of the Walgreens LED lighting plan.

Chairman Naylor attended a meeting with Planning Board chairmen from other towns. The topic of greatest interest was low- and moderate-income housing. Chairman Naylor said that the plan of how the Town is going to comply with the law will need to go in the Comprehensive Plan. Dr. Benoit asked how many lots in a subdivision have to be LMI. Mr. Ericson answered that the subdivision has to have over 10 houses to be required to be 10% LMI compliant. Dr. Benoit asked if the Town should be lowering the number of houses in a subdivision to meet the goals and increasing the LMI requirement to 20 percent.. Mr. Ericson said that was possible, but that affordability has to be guaranteed for 30 years.

## **8. Adjournment**

Mr. Simone made a motion to adjourn at 10:28 pm. Mr. Bassett seconded with all in favor.

Submitted by Bobbi Moneghan on April 22, 2014