

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, August 21, 2014, 7:00 PM

The Chair called the meeting to order at 7:12 pm.

1. Roll Call: Present: Scott Lentz, Lucien Benoit, Art Basset, Cynthia Roberts, and Dean Naylor. Absent: Mali Jones and Gene Simone. Also in attendance were Town Planner Robert Ericson, Town Solicitor James Lombardi, and Asst Solicitor Stephen Archambault (after 8 pm).

2. Approval of Minutes: Motion by Lucien Benoit to approve the July 17, 2014 minutes. Second by Cynthia Roberts with all in favor (5-0).

3. Disclosure: This is the point where anyone can disclose potential conflicts related to matters before the Board. Each member has the option to recuse under RI ethics regulations or abstain from voting for other reasons.

Mr. Ericson stated that Mali Jones sent an email to recuse herself on Christina Way Extension. Jim Lombardi recused himself as well. Steve Archambault will join the meeting at 8 pm to take over the Christina Way agenda item. Ms. Roberts moved to postpone the Christina Way Extension agenda item to the end of meeting or 8:00. Second by Mr. Bassett with all in favor (5-0).

5. Comprehensive Plan organization and timeline: Discussion, vote or other actions regarding organization and scheduling for developing the 2015 Comprehensive Plan, beginning with the Land Use and Economic Development elements (chapters).

Mr. Ericson said staff was planning on first public participation. Nicole Sacha did preliminary review; Bobbi Moneghan is doing baseline text writing. How does the Planning Board want to participate? He suggested that Scott Lentz of the Economic Development Commission might want to take the lead in economic development. The last Comp Plan didn't focus on 55+ development, value-added agriculture or putting together a website of manufacturers.

Ms. Roberts expressed an interest in public health and community planning. Other boards and commissions will review baseline drafts and send members as resource people for charrettes.

Mr. Ericson noted Gary Esovski's interest in the National Park, which will be in a section on the Blackstone Valley. Dr. Benoit asked if the Comp Plan would have a section on alternative energy. Mr. Ericson said the energy element would include alternative energy and air quality. The Town will send out newsletter requests for expertise.

The process includes baseline writing, public meetings, a draft and public review. The new Comp Plan has to be presented to the

Planning Board by March 15, 2015.

6. Review of zoning for accessory buildings: Discussion, vote or other action by the Planning Board regarding the need for research on size and location restrictions for accessory buildings.

The proposal for a 40x80 metal garage on Woonsocket Hill Rd was subject to private covenants, which have nothing to do with public review. It was a private case, but a Town Council member wanted to discuss it. The applicants had a DEM wetlands violation, but that is a state issue.

The Town Council asked if the Town could limit the size of accessory buildings. Mr. Ericson said urban Richmond VA was the only example of area limitation he could find. He suggested limiting accessory buildings to front and side yards, but even then only to the minimum front-yard setback line.

Messrs. Lentz and Bassett thought the problems were so infrequent that there were no justifications for an ordinance change. No citizen has requested a zoning change. The DEM violation is being resolved; the garage is now smaller and apparently made of wood. Ms. Roberts preferred the idea of the community working these things out with mediation.

Mr. Lombardi advised against using the word consensus without a

vote. Dr. Benoit moved that “locals mediating as much as possible” be our proposal to the Town Council. Second by Ms. Roberts with all in favor (5-0).

7. Planning update: Summary of new developments with the Comprehensive Plan, Invest in NS bond, new commercial and manufacturing projects, planned bridge work, applications in the pipeline, BRV Heritage Corridor projects, energy projects and meetings schedule.

Mr. Ericson attended a street lighting workshop with the Washington County Planning Council’s PRISM program run by Jeff Broadbent. His new law would allow North Smithfield to buy existing lights at lower cost, install LED fixtures, and control the lighting remotely. This is an intersection of new law and new technology that could save the Town \$118,000 per year.

RIDOT has held several meetings on the Slatersville Bridge and related pedestrian improvements. Storm water mitigation will probably be moved off site. The ADA walkway through the Memorial Park has required much time and thought by RIDOT and Garofalo, the engineering firm. Mr. Ericson noted that Garden Club President-elect Joanne McGee has been very helpful.

Mr. Bassett asked about the status of the CVS cut-through. Mr. Ericson said that Police Chief Steve Reynolds has been reminded of

the police role in deciding when it should be removed.

Mr. Lentz asked about subdivision of Lot 1 in Dowling Village. Mr. Ericson explained that it only requires a Preliminary Plan approval under Section 9.8 of the Land Development & Subdivision Regulations.

Dr. Benoit asked about construction for Walgreens. Mr. Ericson said Casali Engineering is doing the inspections for storm water system installation. When that is completed, the surface construction should take 14-16 weeks.

Dr. Benoit moved a five-minute recess. Second by Mr. Bassett with all in favor (5-0).

4. Master Plan, Major Subdivision with public hearing: Christina Way Extension

Applicant: Doris Godon Estate et al c/o Robert Branconnier

Location: Lots beyond Christina Way

Assessor's Plat 14 Lots 37 and 188

Zoning: RA

Discussion, vote or other action by Planning Board on the plan and a waiver requested for length of a dead-end street. Assistant Solicitor Stephen Archambault replaced Attorney Lombardi. A court stenographer was present.

Mr. Ericson began by reviewing the issues in the Master Plan application:

*** The 2003 LD&SR had a 600-foot dead-end limit. So does the current LD&SR. The 2700' Blunders Way cul-de-sac under the 2003 LD&SR had no justification or vote for waiver approval. It was a mistake, not a precedent.**

*** The Fire Chief approved an emergency access way, but that was not binding on the PB, and the applicant has removed it from the present plan.**

*** The revised plan has a right-of-way connection to Leonard Drive and a cistern for fire-fighting. These are separate matters. The presence of the cistern does not make the road design good planning practice. The potential for an alternative poor road design does not make this design a good one. In both previous arguments the logic is strained.**

*** The request defines this as a "temporary" waiver. The owner of the lower side of Leonard Drive stopped by and has no interest in developing. The owner of the upper side cannot justify the cost of the road for lots on one side only.**

*** The Town Council has not yet accepted Leonard Drive, so it remains in legal limbo, but the right-of-way extends to the proposed subdivision. That extension presents an option, not a mandate. It was**

never part of the Comprehensive Plan.

*** I previously attached sections of the Rolling Acres subdivision plan approved on September 29, 1987, as well as the PB minutes (note how they made corrections before word processing).**

Mr. Naylor noted that solicitors previously advised that each decision on dead-end length rests on its own, and none are precedents for those that follow.

Nicholas Goodier passed out additional plans and explained that the dead-end length is just over 1300 feet, not 1700 feet. He said that the extension of Leonard Drive was part of good planning practice. He also said that the detention pond locations were conceptual only for demonstration of available locations. The Preliminary Plan design will treat the right-of-way to Leonard Drive as impervious for storm water management purposes. He pointed out that the cistern location is beneficial to the existing Christina Way homes as well. He agreed that every cul-de-sac design stands on its own, and this property is unique.

Mr. Ericson thanked Mr. Goodier for his clarification that the detention ponds are conceptual only. He further stated that lots entirely on the plan within North Smithfield did not have all lot lines shown. Mr. Goodier agreed to have plan changes made.

Mr. Ericson explained the options and reasons for limiting dead-end street length. He discussed the concept of premature subdivision. The applicant is not doing this in coordination with another developer's completion of Leonard Drive, nor is the applicant proposing to pave the connecting road. Mr. Goodier said design and permitting provided a benefit. He thought a completed road would require more maintenance by the Town. Dr. Benoit said that he would vote to approve the subdivision only if the connecting road to Leonard Drive was completed. Mr. Ericson raised the possibility of a trust fund for the road length. Solicitor Archambault thought that might be difficult to execute.

Mr. Lentz and Mr. Ericson said the existing Christina Way cul-de-sac should be shown as an existing condition on the plan. Dr. Benoit concurred. Mr. Goodier said he understood why that was important.

Ms. Roberts is waiting to hear what concerns are expressed in the public hearing. Mr. Ericson said that waiver approval was a prerequisite to plan approval. Mr. Naylor said it would be rushing to vote tonight. Dr. Benoit moved to open the public hearing. Second by Mr. Bassett with all in favor (5-0).

Peter Godon owns Lot 188, 198 and others. He said the existing right-hand cul-de-sac bulb was built on the adjoining lot with a defeasible easement. He said completion of these roads would aid in school busing and snow plowing. He said the terrain dropped off

considerably in a detention pond location, so he doubted that location would work.

Mr. Ericson asked about existing conditions versus post development. Mr. Goodier said the land was relatively flat, so only one sheet is needed.

Dr. Benoit said the road connection would save seven minutes for first responders.

Scott Martin spoke as an abutter (not as a Zoning Board of Review member). He noted deficiencies, including slope on a detention pond site, missing lots, and no structures/features shown. The 600-foot limit is there for a reason. Would Town be liable for problems caused by waiver? Two-lined beetles are killing oak trees in the area, so you need access for fire equipment.

Scott Mcquesten said owner names are missing from the plan. He has a lot of water coming on his property already and is concerned about more.

Ed Clark was concerned that changing rules would compromise safety. Carlos Casanova said he was first into Toni Circle and knows the roads were not plowed then, so maintenance of paved unused roads is a non-issue. Toni Circle is a very wide road, whereas the proposed Christina Way extension is not. He doesn't want to see a

through connection. He said the plan does not depict the connecting road as unpaved.

Scott Martin said roads in area are failing and cannot take more traffic. Mattity Way and Toni Circle have private covenants and they should be part of a new extension. Mr. Ericson said Planning Board cannot require private covenants. He said the telling comments have been on safety and road conditions.

Paul Zwolenski asked if the right-of-way actually went to the property line. He is not concerned about transition from existing concrete curbs to granite. Are sidewalks planned? Mr. Goodier said they have not asked for a waiver on the requirement. He asked whether people preferred a long cul-de-sac or a through street system.

Mr. Naylor asked if the applicant had met with the neighbors. Mr. Goodier said he has not had a neighborhood meeting, but has met with Peter Godon. He also pointed out that the abutters list was not generated from this plan.

Scott Mcquesten asked if there would be another hearing. Dr. Benoit moved to continue the public hearing to a date certain, September 4. Second by Mr. Bassett with all in favor (5-0).

Dr. Benoit moved to extend the meeting five minutes. Second by Mr. Lentz with all in favor (5-0).

Mr. Ericson said the notes on the plan can be moved and Leonard Drive shown more completely. He plans to send Mr. Goodier a list of needed improvements. Mr. Goodier agreed to provide a “stop the clock” letter until they submit again. Mr. Naylor asked that a copy of the list be sent to Planning Board members. Mr. Ericson said he would send the PDF plans as well.

Motion to adjourn by Dr. Benoit. Second by Mr. Bassett with all in favor at 10:05 pm.

Submitted by Robert Ericson on August 26, 2014

Approved by the Planning Board on September 4, 2015