

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, December 4, 2014, 7:00 PM

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

1. Roll Call: Present: Cynthia Roberts, Gene Simone, Lucien Benoit, Scott Lentz and Dean Naylor. Also in attendance was Town Planner Robert Ericson, Attorney James Lombardi III.

2. Approval of Minutes: November 20, 2014

Chairman Naylor pointed out corrections to be made to page 4 of the minutes, first paragraph line beginning with Chairman Naylor should read "Chairman Naylor asked if having seven meant that there should be a quorum of four". At the end of the second paragraph on that page, there were two extraneous words to be removed (Of 4200). Mr. Lentz made a motion to approve the minutes 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. Master Plan, Major Land Development: Slater Village with public hearing

Applicant: DAS Contracting Corp

Location: 1118-1156 Victory Hwy

Assessor's Plat 1 Lots 127, 134 & 330

Zoning: Urban Residential (RU) with rezoning conditions

Mr. Ericson explained the Master Plan stage and stressed the need to focus on this project in the public hearing, not on issues in Silver Pines I or II, except for the potential through road (aka the "haul road"). Attorney Richard Kirby introduced the presenters available for the evening.

Joe Casali, PE reviewed overall design, building height issues, lot configurations, drainage issues, soil evaluations, parking, water/sewer connections, and variances needed. Architect John O'Hearne noted that the assisted living building of 36 two-bedroom units could alternatively be 54 one-bedroom units.

Todd Brayton of Bryant Associates discussed traffic issues. The overall traffic count on Route 102 was 12,500 vehicles per day in 2013, down from previous years. The speed limit is 35 mph; the 85th percentile speed is 50 mph.

George Gifford, RLA, discussed wetlands and noted that part of the area is residential lawn, a maintained monoculture environment that can be replaced with native vegetation to improve stormwater management. The water course flows easterly under Route 102 onto the property. Ms. Roberts asked about the 25-foot setback for parking areas and the need for a variance. Mr. Casali explained that the

parking areas would be surrounded by tree buffers and water quality swales.

Attorney Kirby noted the applicant can live with the Town Council stipulation for emergency access only on the “haul road.” Mr. Ericson asked whether the project will be all rental, and how the applicant planned to meet affordable housing requirements. Attorney Kirby objected to a letter from a Massachusetts attorney noting problems with Silver Pines I.

Dr. Benoit asked which building(s) would be built first. Mr. Casali replied that any builder would respond to the real estate market. Building units in the rear first makes the most construction sense. Mr. Simone asked what the site would look like from the highway. Mr. Casali said the front landscaping would dominate.

Mr. Lentz asked if the water would come from intersection of Routes 5 and 102. Mr. Casali said that was correct. Neither water nor sewer will be taken from the Silver Pines I site.

Mr. Naylor noted that Phase I and Slater Village would land-lock Silver Pines II for construction access purposes. One side or the other would be traversed by construction equipment and building materials deliveries.

Mr. Naylor asked what guarantees the Town would have that

everything would be built. Solicitor Lombardi said a bond could back it up. Dr. Benoit asked if the project could be converted to affordable housing. Attorney Kirby said that would violate the Town Council's terms of rezoning. Solicitor Lombardi said the applicant would need a Comprehensive Permit. Mr. Ericson and Mr. Casali agreed that any project can be converted by Comprehensive Permit. Solicitor Lombardi doubted that the Planning Board could bind the developer.

Dr. Benoit moved to take a three-minute recess at 8:15 pm. Mr. Simone seconded with all in favor. The meeting resumed at 8:19 pm.

Planning Board members further discussed with Mr. Casali snow removal, stormwater management, detention pond capacity, and actual parking needs.

Chairman Naylor opened the public hearing at 8:50 pm.

Mr. Ericson entered into the record a letter from Attorney Edmund Allcock restating resident concerns with Silver Phase I. Attorney Kirby objected. Solicitor Lombardi said it can be included and everyone can decide what value it merits.

Judith Wright , 9 Silver Pines Blvd, asked people in the audience to raise their hands if they signed the letter of engagement with Attorney Allcock. Dozens of attendees raised their hands. She noted that people thought that they were buying into a form of self-government,

but DAS owns/rents units and controls the homeowner's

John Quirk , 38 Alpine Way, asked if there was a bond on Phase I or II. Mr. Ericson replied that there was not. Mr. Quirk said that Phase I owns the private road. He added that DAS should complete Phase II first before proceeding to Slater Village. None of the promised walking trails have been constructed.

Joe DeMayo, 62 Alpine Way, said Dr. Benoit signed the Final Plan for Phase II, but it was never built and remains a disturbed site.

Arthur Harnois , 10 Silver Pines Blvd, said DAS now owns 22 units and perhaps want to make Silver Pines I a rental village. Attorney Kirby objected to the comment as irrelevant to the hearing. Mr. Ericson said we needed to move on to new information.

Dennis Berard , 35 Alpine Way, said he thinks the assisted-living is a stepchild in this project. Assisted living requires a lot of compliances. Many of the active-living people will still be working, and that will affect traffic counts. Mr. Ericson said there are strong standards and regulations for assisted living, but only emerging standards for active living.

Rene Viera , 1098 Victory Hwy, has concerns about preservation of trees, trash blowing onto his yard, visual impacts of parked cars and noise. He said there is ATV activity in the unfinished Phase II. He is

also worried about ambulance noises, potential sex offenders living in Slater Village, possible destruction of wildlife habitat, and numerous other issues. He asked that the units be for sale only.

Mr. Viera's wife claimed that DAS workers cut down trees in their yard. She said Phase II needs to be completed first. She said she has seen trespassers in her yard.

Joe Cardello, former Planning Board chair, noted that the need for variances meant the applicant was trying to put too much on the site. He questioned whether the developer would be seeking relief for extending utilities. He objected to porous pavement, because it is not appropriate to rental properties. He thought the project should be scaled back quite a bit. He said he has had dealings with Silver Pines I and II and they were not good.

Mr. Ericson asked if the applicant could come back with a combined and integrated project that includes Phase II, which is now in a state of limbo. Attorney Kirby said he would speak to his client.

Dr. Benoit made a motion to continue the public hearing to January 15, 2015 at the applicant's request. Mr. Lentz seconded with all in favor.

Dr. Benoit then made a motion to take a two-minute recess at 9:31 pm. Mr. Lentz seconded with all in favor. The Planning Board meeting

was called back to order at 9:35 pm.

5. Preliminary Plan, Minor Subdivision: Oxford Creek

Applicant: Gordon F. B. Ondis

Location: Rocky Hill Rd

Assessor's Plat 20 Lots 16 & 52

Zoning: RA

Mr. Ericson announced that the subdivision plan was withdrawn by the applicant.

6. Consultation, Minor Subdivision: Mowry Estates

Applicant: Frank Simonelli

Location: Providence Pike and Mowry Farms Rd

Assessor's Plat 19 Lot 19

Zoning: RA

At 9:56 pm, Dr. Benoit made a motion to extend the meeting for 15 minutes, Mr. Lentz seconded with all in favor.

Developer Frank Simonelli addressed the board. He referenced a professional engineer's letter affirming that structural and other issues made it economically infeasible to preserve. Dr. Benoit asked if the Historic District Commission and Conservation Commission had been notified about this property. Mr. Ericson replied that both had been notified.

7. Consultation, Minor Subdivision: Harold Morris Trustee

Applicant: Steven Morris

Location: Black Plain Rd and Primrose Lane

Assessor's Plat 15 Lot 216

Zoning: RA

Chairman Naylor had previously noted that the Planning Board may not be able to cover all agenda items in this meeting, and the applicant was not present. This consultation will be on the December 18, 2014 Planning Board meeting agenda.

8. Release or Continuation of Maintenance Bond, Doire Court off Pound Hill Rd. Discussion, vote or other action by the Planning Board. The DPW Director and Town Planner inspected the site on Novemebr 17. Mr. Ericson made a recommendation to continue the bond through April 2015.

Mr. Ericson discussed the deficiencies identified in the DPW Director's report. Mr. Lentz then made a motion to extend the bond to April 2015. Dr. Benoit seconded with all in favor.

9. Adjournment. Mr. Simone moved to adjourn. Second by Ms. Roberts with all in favor (4-0). The Planning Board meeting ended at 10:20.

Submitted by Robert Ericson on December 10, 2014

Approved by the Planning Board on December 18, 2015