

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, January 8, 2014, 6:30 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 were Town Planner Robert Ericson and Attorney James Lombardi III.

2. Approval of Minutes: December 18, 2014

Mr. Lentz made a motion to approve the minutes of December 18, 2014 as amended. Dr. Benoit seconded with all in favor.

3. Disclosure: Mr. Ericson noted that new Town Solicitor David Iglizzi recused himself from the Anchor item and Jim Lombardi was filling in, so it would be helpful to do Anchor first.

Dr. Benoit made a motion to move agenda item 5 to the next item to be considered, the Major Subdivision Preliminary Plan for Anchor Subaru. Mr. Simone seconded the motion and all members were in favor (5-0).

5. Major Land Development Project Preliminary Plan: Anchor Subaru with public hearing

**Applicant: Robert Benoit Location: 949 Eddie Dowling Highway
Assessor's Plat 17 Lot 14, 16, 80, 84, 85, 142, 167, 199 & 231 Zoning:
BH and RS**

Mr. Ericson reviewed the history, explaining why the preliminary plan differed from the Master Plan as a result of the Town Council rezoning vote.

Attorney Mark Charleson introduced Bob Benoit of Anchor and members of the team. Joe Casali, PE made a PowerPoint presentation. He explained the need to balance stormwater flow to the wetland, why they will use bottomless sand filters in OWTS, and other details.

Mr. Ericson noted that the parking lot on the plan went into RS land, creating two zoning violations. Mr. Casali provided new corrective plans, but not in time for a decision that night.

Mr. Ericson explained that utilities can exist in any zone and stormwater management systems are technically sewer utilities. The term MS4 stands for Municipal Separate Stormwater Sewer Systems.

Dr. Benoit asked about the location of the OWTS. Mr. Casali explained that it would go on RS land to use the best soils and stay far away from the well. He also discussed the denitrification of waste water.

Ms. Roberts asked if the state checked up on stormwater management systems at a later date. Mr. Casali said no, but they reviewed the design, and the design was based on standard modeling software.

Dr. Benoit asked if you could put the OWTS on RS land. Mr. Ericson said yes and recommended that Atty Charleson provide for the record a legal opinion on utilities vs accessory uses.

The public hearing was opened at 7:47 pm. No one wished to speak. Dr. Benoit made a motion to continue the Anchor public hearing to the January 15, 2015 meeting. Mr. Lentz seconded with all in favor.

At 7:50 PM, Dr. Benoit motioned to recess for three minutes. Mr. Simone seconded with all in favor (5-0). The meeting resumed at 7:56 PM.

Town Solicitor David Igliozzi joined the meeting at 7:56 PM.

4. Consultation, Minor Subdivision: Harold Morris Trustee

Applicant: Steven Morris Location: Black Plain Rd and Primrose Lane

Assessor's Plat 15 Lot 216 Zoning: RA

Continued discussion, vote or other action by the Planning Board.

Marc Nyberg presented for the applicant. He explained that all lots

had adequate frontage, and RIDEM would request a common driveway to avoid wetlands crossing on one lot.

Mr. Ericson explained that the deeds for owners along Primrose Lane reference the right-of-way only, and the lane meanders out of the r-o-w with no easements. That raised the question of whether the Town could plow on private property with no permission to do so.

Mr. Lentz asked if the Town prohibited common driveways. Mr. Ericson said no, but the PB has discretion (public safety, etc.) and asked Dr. Benoit to discuss the Planning Board's past experience. Dr. Benoit said that the Board had generally discouraged common driveways.

Mr. Lentz noted the need for construction/maintenance agreements for any common driveway. Atty Iglizzi said a proper easement would prevent either party from blocking the other. He described a possible easement agreement. He noted that the Fire Marshal would have to approve the design. Dr. Benoit emphasized that the driveway must meet the needs of public safety, health and welfare.

The applicant understood that their most cost-effective option would be a common driveway. Abutters Erin and Robert Bradford asked if the common driveway could be set farther away from her property line. Discussion of visual screening techniques followed.

6. Capital Budget Requests: School Department, Police Department. Discussion, vote or other action by the Planning Board.

The Planning Department has not received the Capital Budget Request from the School Department. Mr. Ericson pointed out that the Budget Committee asked for project rankings townwide, so departments should package their projects with that in mind.

Preliminary discussion on the Police Department Capital Budget Request followed. Mr. Ericson explained how the project restructuring might work for that department.

Dr. Benoit asked about the three ATV requests and whether two would suffice. Chair Naylor asked that the Police Department have justifications and usage statistics included with the requests. Ms Roberts ask for more of the back story on projects.

Planning Board candidate Dinna Finnegan was in attendance. She lives near the utility right-of-way and offered insights on how the police operate with ATVs.

7. Proposed Zoning Amendments: Discussion, vote or other action on consistency with the Comprehensive Plan and other recommendations for proposed amendments to Sections 6.13 (parking), 6.14 (recreational vehicle parking), and 7.9 (dumpsters).

Section 6.13 Parking: Mr. Lentz objected that the proposed amendment was inconsistent with the Comprehensive Plan, notably for farmers and foresters. He passed out an alternative text.

Mr. Lentz made a motion to find the zoning amendment Section 6.13 inconsistent with the Comprehensive Plan and refer it back with suggestions to make it consistent. Dr. Benoit seconded. Roll call vote Aye: 5, Nay: 0. The motion passed.

Section 6.14 Recreational Vehicle Parking: Dr. Benoit objected to the idea of not letting visiting friends and relatives sleep in RVs. Mr. Ericson explained how zoning enforcement works in practice, and that you get a few days before anyone complains.

Dr. Benoit made a motion to find the supplemental amendment to Section 6.14 consistent with the Comprehensive Plan. Mr. Lentz seconded. Roll call vote Aye: 5 Nay: 0. The motion passed.

Section 7.9 Dumpsters: Discussion focused on the need for two categories: clean-out (short term) and permitted construction (longer term). Discussion of details followed. Dr. Benoit made a motion to continue this item to the January 15 Planning Board meeting. Mr. Simone seconded. Roll call vote Aye: 5, Nay: 0. The motion passed.

8. Proposed Woonsocket Comprehensive Plan Amendments: Discussion, vote or other action by the Planning Board on

recommendations to Statewide Planning regarding changes in the future land use map.

Mr. Ericson explained that in cases where changes have no impact on North Smithfield, we need not make a comment. Dr. Benoit made a motion to take no action on the amendments. Mr. Lentz seconded. Roll call vote Aye: 5 Nay: 0. Motion passed.

9. Annual Organization: Election of officers, adoption of amendments to the Planning Board Rules of Procedure, and approval of 2015 meeting dates. Mr. Ericson noted that three people are yet to be appointed and recommended postponing the item. Dr. Benoit asked that it be first order of business on the agenda. Discussion followed.

Mr. Lentz made a motion to continue the election of officers and adoption of Rules of Procedure to the meeting on January 15 and make it item 4 on the agenda. Ms. Roberts seconded with all in favor (5-0).

Mr. Lentz motioned to approve the 2015 Planning Board meeting schedule. Mr. Simone seconded with all in favor (5-0).

10. Planning Update: Mr. Ericson explained that Mark DePasquale wants to site two turbines: one on Ruth Pacheco's farm, and one on the lot within the conservation area that was subdivided for a turbine.

Ms. Roberts asked about the Comp Plan revisions. Ms. Moneghan explained what she was doing on different chapters.

Mr. Lentz introduced Dinna Finnegan, a possible Planning Board candidate. He met her through Solarize North Smithfield. She previously did the design for the construction bond information sheets. Mr. Ericson noted that Solarize NS finished with 84 contracts with 634 kW sold.

11. Adjournment: Mr. Simone moved to adjourn the meeting. Second by Mr. Lentz with all in favor (5-0). The Planning Board meeting ended at 9:36.

Submitted by Robert Ericson on January 20, 2015

Approved by the Planning Board on February 5, 2015