

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, July 16, 2015

The Chair called the meeting to order at 7:00pm.

Roll Call: Present: Lucien Benoit, Scott Lentz, Dean Naylor, Gary Palardy and Cynthia Roberts. Also in attendance were Town Planner Robert Ericson and Assistant Town Planner Bobbi Moneghan. Absent: Dinna Finnegan. Town Solicitor David Igliazzi arrived at 7:42 pm.

Disclosure: This is where anyone can disclose potential conflicts on matters before the Planning Board. There were no disclosures.

Minutes: The board reviewed two sets of minutes April 16 & June 18, 2015.

April 16, 2015 – Minor changes were recommended. Dr. Benoit made a motion to accept the minutes of April 16, 2015 as amended, seconded by Mr. Palardy with all in favor (5-0).

June 18, 2015 – Minor changes were recommended. Mr. Lentz made a motion to accept the minutes of June 18, 2015 as amended, seconded by Mr. Palardy with all in favor (5-0).

Decisions: University Orthodontics Master Plan, Wide World of Indoor

Sports Preliminary & Final Plans. Discussion, vote or other action by the Planning Board

University Orthodontics – In Finding of Fact, the fact that bacteria are being treated is added as justification of why there is no significant environmental impact. Under Statement of Review, Hearing & Authority, date of public hearing will be changed to June 18, 2015. The spelling of Anthony Muscatelli will be corrected. Dr. Benoit made a motion to approve the written decision for the Master Plan for the Major Land Development Pproject, DMD of Beagan Dental PC d/b/a University Orthodontics, located on Assessor’s Plat 1, Lot 241, 947 Victory Highway as corrected. Mr. Lentz seconded with all in favor (5-0).

Wide World of Indoor Sports Preliminary and Final Plans – Dr. Benoit made a motion to approve the written Preliminary decision for ATM Development, LLC, located on Assessor’s Plat 8, Lot 299, 621 Pound Hill Road, zoned BH (Business Highway). Mr. Palardy seconded with all in favor (5-0). Ms. Roberts motioned to approve the written Final decision for ATM Development, LLC, located on Assessor’s Plat 8, Lot 299, 621 Pound Hill Road, zoned Business Highway (BH). Ms. Roberts amended her motion to approve the written Final decision for ATM Development, LLC, located on Assessor’s Plat 8, Lot 299, 621 Pound Hill Road, zoned Business Highway (BH) with corrections (changing type of application from Preliminary to Final). Mr. Palardy seconded with all in favor (5-0).

Dr. Benoit made a motion to delay item 5 on the agenda, Minor Subdivision: Harold Morris Trustee, due to the absence of the Town Solicitor. Mr. Palardy seconded with all in favor (5-0). Board will continue onto agenda item 6.

Note: Applicants for Harold Morris Trustee minor subdivision are in attendance.

6. Land Development & Subdivision Regulations: Each Planning Board member had a copy of the changes being made to the Land Development and Subdivision Regulations. Mr. Ericson reviewed the changes.

Mr. Igliazzi arrived at 7:42 pm. Mr. Lentz made a motion to table the discussion of agenda item 6. Mr. Palardy seconded with all in favor (5-0).

5. Minor Subdivision: Harold Morris Trustee

Applicant: Steven Morris

Location: Black Plain Rd and Primrose Lane

**Assessor's Plat 15, Lot 216 Zoning: RR: Rural Residential aka RA:
Rural Agricultural**

Mr. Robert Morris and Mr. Steven Morris are present as representatives for the Harold Morris Trustee minor subdivision.

Dr. Benoit began the discussion of accessing Sublot 1 from Primrose Lane rather than constructing a long driveway across the forest and wetlands disturbing a lot of soil, as the plan shows. This has been discussed in prior meetings about this subdivision. Mr. Lentz stated the problem is that Primrose Lane meanders onto other people's properties. Mr. Ericson said the road would have to be 22 feet wide and elevated and there would have to be a drainage system (country drainage). He believes the cost of improving the road would be three times more expensive than constructing a shared driveway.

Mr. Morris has obtained letters from abutting property owners on Primrose Lane stating their agreement to allow access to Sublot 1 across their properties on Primrose Lane. Mr. Ericson was concerned about what would happen if the owners of the properties on Primrose Lane changed. Mr. Ericson stated that state law says they have to have permanent access and it would be cost prohibitive to improve the road and construct a driveway.

Both Morris brothers stated they would like to pursue the shared driveway plan. Steven Morris will be building at the end of Primrose Lane (Sublot 1) and may come back when construction begins to ask for permission to access the lot through Primrose Lane. Mr. Ericson said it would be possible to come back with a modification to the plan. He also stated that no Certificate of Occupancy from the Building Inspector/Zoning Official will be issued unless the shared driveway is constructed and the plan followed.

Mr. Igliozzi discussed the Declaration of a Permanent Access and Utility Easement and Maintenance Agreement submitted by Mr. Morris in consultation with Mr. Igliozzi. The agreement declares the shared driveway cannot be obstructed and the owners of Sublot 1 and Sublot 2 will share maintenance, utility access and pedestrian and vehicle access. The Agreement will run with the land. The Agreement will be recorded with the Town Clerk in position one before any mortgages are recorded and therefore a foreclosure on either lot cannot eliminate this Agreement. Mr. Igliozzi was satisfied with the document as presented. Sublot 2 is the subservient parcel burdened with access to Sublot 1 in perpetuity. If there is a disagreement about when it needs to be maintained, or if the maintenance payments are not paid, the owners can sue each other. There can be no blocks to access to Sublot 1.

Dr. Benoit made a motion to approve the minor subdivision application for Steven Morris, Black Plain Rd and Primrose Lane, Assessor's Plat 15 Lot 216 Zoning: RR: Rural Residential aka RA: Rural Agricultural with the following conditions:

The Declaration of a Permanent Access and Utility Easement and Maintenance Agreement will be entered as part of the record. The Planning Board will suggest to the Building Inspector/Zoning Official that no Certificate of Occupancy will be issued until the permanent access to Sublot 1 is in place..

The motion was seconded by Mr. Palardy. Roll call vote, all in favor (5-0).

Mr. Lentz motioned to return to agenda item #6 (take it off the table) and Dr. Benoit seconded with all in favor.

6. Land Development & Subdivision Regulations:

Mr. Ericson continued to review the changes to the Land Development and Subdivision Regulations.

7. Proposed Zoning Amendment: Discussion, vote or other action on consistency with the Comprehensive Plan and other recommendations for proposed amendments to Section 6.18, Special Flood Hazard Areas and Flood Fringe Lands.

Mr. Ericson explained that any changes to Flood Hazard Area and Flood Fringe Lands model ordinance are required to go through FEMA and that takes a long time. He put together the text with highlighted town-specific modifications for the Town Council. This section is consistent with the approved Hazard Mitigation Plan, which is part will be appended as part of the Comprehensive Plan. Mr. Lentz made a motion to find new Section 6.18 Special Flood Hazard Areas and Flood Fringe Lands consistent with the Comprehensive Plan. Dr. Benoit seconded with all in favor.

8. Planning Update: Summary of new developments with the

Comprehensive Plan, public facilities, new commercial and manufacturing projects, infrastructure projects, applications in the pipeline, BRV Heritage Corridor projects, energy projects, zoning ordinance amendments and meetings schedule.

9. Adjournment – Dr. Benoit made a motion to adjourn at 9:35 pm, seconded by Mr. Palardy, all in favor.

Submitted by Bobbi Moneghan on August 24, 2015.

Approved by the Planning Board on September 4, 2015.