

PLANNING BOARD MEETING OF AUGUST 14, 2007

PLACE: TOWN HALL BANQUET ROOM

Meeting called to order at 6:30 P.M. by Chairman Fleurent

I. ADMINISTRATIVE BUSINESS

A. Quorum/Attendance

Members Present – All.

Members Not Present – None

Planning Director William Roth was also in attendance.

B. Acceptance of Minutes – None

C. Planning Board Bills –

1) Southcoast Media Group – Ad – Pinto - \$78.00

James Holmes motioned to pay this bill. Timothy Cox seconded. The vote was unanimous. The motion passed.

2.) GAF Engineering - \$1,502.71 (Lighthouse Bed & Biscuit - \$702.13, Cottages/Knowles Landing - \$800.58)

Timothy Cox motioned to pay this bill. Gary Staffon seconded. The vote was unanimous. The motion passed.

3.) Tibbetts Engineering - \$148.75 (Marion Pediatrics(2))

Gary Staffon motioned to pay this bill. James Holmes seconded. The vote was unanimous. The motion passed.

D. Receipt of Plans – None

E. Approval of Plans -

1.) Definitive Subdivision – Mariner Estates(2) – Welcome Street

William Roth – They've met all conditions of approval. I have the signed Form D covenant and the Homeowner Association Documents.

The Board signed the mylar pursuant to the approval and because all conditions have been met.

F. Other -

1.) Special Permit – Cottages/Knowles Landing – 267-271 Huttleston Avenue

William Roth – At the last hearing, you requested I prepare a draft conditions of approval. I am recommending approval subject to the 19 conditions I have identified.

Attorney Ralph “Chip” Mulford – We have no problems with any of the conditions.

Albert Borges motioned to approve with order of conditions. James Holmes seconded.

James Holmes – I'm still thinking about the affordable housing. Why were the affordable units dropped?

Attorney Mulford – It was fully discussed at the last hearing.

James Holmes – In the future affordable units should be considered with or without the bonus.

Timothy Cox- I agree.

Wayne Hayward – We need an inclusionary zoning bylaw in effect.

The vote was 7-0 in favor. (Gary Staffon abstained). The motion passed.

2) MacKensie Lane – Neighborhood Concerns

David Gordon (6 MacKensie Lane) – We have been waiting for the development to be completed. The developer has continually asked for extensions stating that we are totally in acceptance of those requests. That is not the case. There is no communication between Mr. Rodrigues and the residents of MacKensie Lane. We have not been informed of his requests for the extensions. Had we been informed, we would have expressed our displeasure. We're tired of it. We're being treated as second class citizens. Whatever Mr. Roderiques wants, he gets. We're upset that the development is not done. I have a petition stating our displeasure asking that another extension not be granted. We want to be notified whenever this development comes before this board for any reason.

Chairman Fleurent – You have made your point. Thank you. He has until September 15 to comply. If he hasn't, we can take action.

II. PUBLIC HEARINGS

1.) Definitive Subdivision – Gus Pinto, Jr. – Washburn Avenue (continued from 7/17/07)

William Roth – They have requested a continuance to September 25, 2007.

Marinus Vander Pol motioned to continue the public hearing at the applicant's request. Gary Staffon seconded. The vote was unanimous in favor. The motion passed.

2.) Special Permit – Omnipoint Communications, Inc. – 427 Sconticut Neck Road (continued from 6/12/07)

William Roth – In my memo, due to three issues, I have recommended that the applicant withdraw or the Board deny the application. They are requesting to withdraw without prejudice.

Marinus Vander Pol motioned to allow the withdrawal without prejudice. Gary Staffon seconded. The vote was 7-1 in favor (Wayne Hayward opposed.) The motion passed.

3.) Special Permit – Marion Pediatrics – Phase 2 – 404 Huttleston Avenue (continued from 7/31/07)

William Roth- In my memo of August 8, 2007, you see that they have submitted revised plans. There were several issues identified. They've addressed most if not all of those issues. Town departments had no problems with the first set of plans. Based on the facts, I am recommending approval subject to 11 conditions.

Ken Ferreira – Bill has identified all of the major issues.

Chairman Fleurent – Do you agree with all of the conditions?

Ken Ferreira – Absolutely.

Wayne Hayward – This has to be at full build-out of the site.

William Roth – There could be a parking issue if it's converted to a non office use in the future.

James Holmes motioned to accept the plan with the order of conditions. Timothy Cox seconded. The vote was unanimous. The motion passed.

4.) Special Permit – Lighthouse Bed & Biscuit – Narragansett Boulevard (continued from 7/17/07)

William Roth – You have a memo dated August 8. The revised plans are dated July 22, 2007. The first point was there was an issue regarding the outdoor kennels. They know they need a variance. Town counsel sent me an e-mail, suggesting a condition for all permits and variances. I also brought up the landscape plan. I still have a problem with their proposal. The Board could require them to go back. Other than that, the plan is very well designed. I am a bit frustrated by the significant amount of grading. Based on their traffic study, I feel the parking is adequate. This application really boils down to the traffic impact on the neighborhood. SRPEDD does not find a traffic issue. The Fire Chief had a concern about getting to the site and the congestion caused by the day care. They have a proposed traffic plan.

David Davignon (Schneider and Assoc) – We did agree with that if we went to ZBA for outdoor kennels and they were denied, we would be ok with that. We're proposing a grade change similar to the one at Walgreens on one side and Dunkin Donuts on the other. The Fire Chief has approved the site plan cul-de-sac. His main issue is the traffic flow. We've tried to change the traffic patterns.

Richard Reilly – We're proposing using our property as a turn around for the abutters.

Keri Williams – I'm here to speak to drainage. We have eliminated the underground infiltration system. We now have two dry ponds, both of which are very shallow, as well as a water quality swale. We feel that all drainage comments have been addressed.

John Judson (traffic engineer) – This is the first opportunity to hear the traffic situation. First, we did a project overview and site description. Mass Highway won't allow access in a no access zone. This is one way in, one way out. Narragansett Boulevard will remain a dead end street. Construction is similar to what you have in town. There are several minor intersections on the roadway. The traffic signal at the corner of Narragansett Boulevard and Route 6 is state of the art and makes that intersection one of the safest in the town. I analyzed the traffic as far as volume and as far as what was being generated by the child care center. The figures are significantly low. There have been no accidents over the last 5 years. We anticipate 50 trips per day at random hours.

Attorney Michael Kehoe – We seem to be down to 2 issues, the landscape screening, which we are amenable to revising, and traffic, which is the key. Our expert and SRPEDD say that this will not create traffic problems. Your expert agrees with our expert. Please do not make your decision on anecdotal evidence. This is the lowest commercial impact you can have. Traffic will be minimal and should not be a problem.

Phil Beauregard (Precious Memories) – We have a right to our opinion and we are experts because we are living in this situation. There are other accesses on Bridge Street.

William Roth – Not at this property, MassHighway placed a no access zone when they bought additional right-of-way, from this property, when they put in Route 240.

Steve Sylvia (abutter) – They are proposing to drain their property onto our property. That's illegal.

Keri Williams – It adequately flows without going onto their property. We're actually reducing the rate and volume of water that's going there now.

Wayne Hayward – We don't build systems that could handle that. That's what happens during a hundred year storm. Dogs bark. That will be a nuisance for the neighborhood.

Richard Reilly – As far as a nuisance, we have provided a study. We will buffer or place additional landscaping to mitigate the potential for noise.

Wayne Hayward- Dogs will bark unless you muzzle them and I don't think your customers will allow that. Where will contaminated water from the outdoor kennels go?

Richard Reilly – There's a system. (describes system).

Wayne Hayward – There are issues there. Over time, outside kennels will have a problem with storm water run off if they're not properly maintained. As far as the traffic nuisance, there will be a problem at your entrance. That's what the Fire Chief alluded to. Parking is also an issue.

James Holmes – Was the traffic study done on a weekend?

John Jusdon – No.

Attorney Chris Saunders (representing John and Joanne Rezendes) – My clients have a lot of the same concerns of the people that have spoken here today. This will harm community values and the surrounding neighborhood.

John Rezendes (abutter) – There was a medical emergency on the street on August 2. The street was basically blocked off by the time emergency personnel got there. There have been a few similar situations. I wish the Fire chief was here. He should be here.

Albert Borges motioned to close the public hearing. Gary Staffon seconded. The vote was unanimous. The motion passed.

Discussion ensued as to whether or not to reopen the public hearing.

Albert Borges motioned to adjourn Gary Staffon seconded. The vote was unanimous in favor. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

James Pelland, Secretary
To the Planning Board