



Town of North Kingstown, Rhode Island

80 Boston Neck Road
North Kingstown, RI 02852-5762
Phone: (401) 294-3331
Fax: (401) 885-7373
Web: www.northkingstown.org

NORTH KINGSTOWN PLANNING COMMISSION

February 6, 2018

The North Kingstown Planning Commission convened at Municipal Offices Court Room, 100 Fairway Dr., North Kingstown, RI

The following members were present:

Gardner Palmer, Jr.
Patricia Nickles
Patrick Roach
Michael Annarummo
James Grundy

Mr. Dion was excused.

Also in attendance were Supervising Planner Maura Harrington, Principal Planner Shaun Lacey and Town Solicitor Matt Callaghan.

Tide Mill Landings Master Plan Decision

Mr. Palmer asked if members had any questions or comments on the Tide Mill Landing Master Plan Decision.

After discussion on date verification and the extent of landscaping, Mr. Palmer signed the decision.

Zoning Map Amendment: Application of Stuart A. Tucker, 542 Potter Road, North Kingstown, RI 02852 for a proposed zone change from Village Residential to Neighborhood Business located at 185 Tower Hill Road, AP 116 Lot 89

Mr. Lacey gave an overview to this application. He said the application is for a proposed zoning map amendment. The Town Council is the body that will approve or not approve a map amendment; the Planning Commission is charged with sending a recommendation to the Council.

The property is now zoned Village Residential (VR); this zoning allows for single-family development.

The property owner, Mr. Tucker would like to change this zoning to Neighborhood Residential (NR). This zoning would allow Mr. Tucker to use the site and existing structure for a wider range of uses.

Mr. Lacey said that the stretch of Tower Hill Rd. (where Mr. Tucker's property is located) vary in zoning designations. The Comprehensive Plan land use designation is Neighborhood Commercial. Mr. Tucker has no plans to new construction and the existing driveway will remain.

Mr. Palmer commented this may be an opportunity to extend the existing and newly approved sidewalk.

Mr. Roach asked questions about Mr. Lacey's recommended conditions: fire and building code review and the need for a Physical Alteration Permit.

Mr. Callaghan said that there is no town ordinance on record requiring the need for these suggestions; they will be covered by state, fire and building codes. They do not have to be a part of an approval.

Ms. Nickles mentioned her concerns about the limited parking. She mentioned "Jitter's" which started as a small scale business but boomed into a very busy business and now has limited parking.

Mr. Lacey answered that while there would be no review at this time because no new construction is planned (there would be no oversight on parking); however, if Mr. Tucker wanted to expand the structure and/or use of the property, land development review would be needed, which would include a review of the parking.

Mr. Palmer asked Mr. Tucker wanted to address the Commission.

Mr. Stuart Tucker came forward. He told the Commission that he bought the property in 1999. He had the same tenant for 11 years but at the moment the building is vacant. He has an interested prospective tenant who would like to use the first floor for business and the second floor for an apartment.

Mr. Tucker addressed Mr. Palmer's comment about extending the sidewalk. He said that there is an existing culvert and guardrail in front of his property.

Mr. Lacey said that it would be quite a challenge but would involve RI DEM and the Town Engineer.

With no further discussion or comment, Mr. Palmer called for a motion of recommendation to the Town Council for a zone change from Village Residential (VR) to Neighborhood Business (NB).

Mr. Grundy moved to send a positive recommendation in favor of a zone change from Village Residential to Neighborhood Business and with that a statement that the change is generally consistent with the Comprehensive Plan, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; the change recognizes and demonstrates the consideration of each of the applicable general purposes.

- Promoting the public health, safety and general welfare.
- Providing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
- Providing for orderly growth and development which recognizes the following:
 - a. The goals, objectives and patterns of land use contained in the town comprehensive plan.
 - b. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface water or groundwater pollution.
 - c. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands.
 - d. The values of unique or valuable natural resources and features.
 - e. The availability and capacity of existing and planned public and/or private services and facilities.
 - f. The need to shape and balance urban and rural development.
 - g. The use of innovative development regulations and techniques.
 - Providing for the control, protection and/or abatement of air, water, groundwater and noise pollution and soil erosion and sedimentation.
 - Providing for the protection of the natural, historic, cultural and scenic character of the town.
 - Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space.
 - Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.
 - Promoting a balance of housing choices, for all income levels and groups, to ensure the health, safety and welfare of all citizens and citizens' rights to affordable, accessible, safe and sanitary housing.
 - Providing opportunities for the establishment of low- and moderate-income housing.
 - Promoting safety from fire, flood and other natural or humanmade disasters.
 - Promoting a high level of quality in design in the development of private and public facilities.

- Promoting implementation of the comprehensive plan.
- Providing for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, to ensure that the land uses are consistent with the town's comprehensive plan, especially with regard to resources and facilities that extend beyond municipal boundaries or that have a direct impact on the town.
- Providing for efficient review of development proposals, to clarify and expedite the zoning review process.
- Providing for procedures for the administration of this chapter, including but not limited to variances, special use permits, special permits, special exceptions and modifications.

The change also meets the general requirements and intents of the neighborhood business district; it encourages growth and vitality to town villages.

- Provide areas within and adjacent to residential neighborhoods where groups of businesses may be located to:
 - a. Serve the frequent commercial and service needs of residents within convenient traveling distances.
 - b. Serve as a transitional zone between more intensive business areas and residential neighborhoods.
 - c. Provide a district for business activities which do not generate the traffic, noise, glare or large parking areas associated with large-scale business uses.
- Encourage traditional development design and mixed use development appropriate to village centers.
- Serve the traffic-carrying capacity of the town's road system by concentrating certain uses within village centers, thereby reducing the overall traffic burden.
- Preserve the residential, rural, agricultural and historic characteristics of the community by encouraging new development to its village centers.
- Strengthen the role of the neighborhood as a support for the village retail center and in turn to keep each village center to a scale that services its neighborhood without an undue dependence on automobile-borne customers.
- Provide for a visual center for each village.
- Promote unified physical, visual and spatial characteristics that are compatible with each village's traditional development pattern.
- On-site parking shall be located to the rear of the principal structure, but not in the required minimum rear or side setback or required buffer area.
- The front yard setback shall be the average of the existing setbacks on the same side of the street as the subject site for a distance of 500 feet on both sides. Principal buildings shall front at this setback or no more than five feet behind it. If the latter, the area between the building and the street line shall be landscaped with appropriate material (e.g., bricks, concrete, stone pavers, but not asphalt) and appropriately planted, signed and lit. Properties in the neighborhood business district shall be exempt from subsection 21-306(a).

Ms. McCue seconded. All voted aye. The positive recommendation will be made.

Pre-application: Application of Daniel A. DiSaia, 201 Essex Road, North Kingstown, RI 02852 for a proposed two-lot major subdivision located at 201 Essex Road, AP 158 Lot 11, zoned Neighborhood Residential (NR)

Mr. Lacey gave a summary of this proposal. He said that it is a pre-application for a two-lot major subdivision. The project is located at 201 Essex Rd. The property is nonconforming in that two single family homes where only one single family is allowed.

Mr. DiSaia would like to assign each existing residence its own lot.

Mr. DiSaia is proposing a subdivision that would create one lot with 1.16 acres; the remaining land would be set aside for the home along Essex Rd.

Mr. Lacey said that the proposal is a major subdivision because a dimensional variance because of lack of frontage of the rear (south; Beverly Rd.) lot.

Mr. Lacey told the Commission that the proposal had been presented to the Technical Review Committee on January; no staff comments were received.

He said that the proposal is compatible with the area and would rectify anon-conformity; the proposal does not introduce any new construction.

Mr. Lacey also introduced information regarding a 2003 Zoning Board approval for an accessory unit; after which the second home was built.

Mr. Lacey concluded reminding the Commission that this is before them as a Pre-Application; no vote will be taken. Mr. DiSaia is here to gage the Commission's view and hear any feedback they may have.

Mr. Palmer turned the meeting to Commission discussion and comment.

Ms. Nickles said she remembered this property gaining approval for an accessory dwelling. She asked the Solicitor if one of these structures was approved as an accessory structure, should the Commission take that into consideration at all.

Mr. Callaghan said he was unaware of this until tonight, but he looked at the accessory structure approval as something the Zoning Board would deal with; not this Commission.

Mr. Grundy said he would like to see the minutes from the Zoning Board meeting where this was approved; he would not be willing to review this if it was being used as a mechanism to create a subdivision.

Mr. Roach commented that the Commission could look at this as if the back house did not exist. The proposal would simply be a subdivision that needs Zoning Board dimensional relief. The plan appears doable.

Mr. DiDasia weighed in that the original plan that gained approval was to build a second home for his son. He and his wife are getting older and are now considering a move but would like his son to have the ability to stay in his home.

Mr. Callaghan said that back in 2003 there was a proposal for subdivision of the lot; it was met with trepidation so Mr. DiSaia went for the option of establishing an accessory unit instead.

Mr. Grundy again said about not wanting to set a precedent; there are plenty of properties that have accessory unit approval with two structures – he does not want the accessory unit ordinance used as a vehicle to subdivision.

There was discussion about establishing a paper road which would give the newly created lot the frontage it needs.

Mr. Callaghan suggests the lengthening of Beverly Rd. or creation of a new paper road would relieve the need for a dimensional variance (a special use permit would be needed to build the road); this would prevent setting a precedent.

Mr. Grundy would like to review the 2003 Zoning Board minutes before offering a sense of approval to this project.

Mr. Palmer summed up saying that the Commission has offered up ways to accomplish what Mr. DiSaia wants to do with the property. If Mr. DiSaia remains on the plan to apply for Zoning Board approval for dimensional relief to frontage, there is a good possibility the Commission may not want to approve it as it may set precedent. A paper road would alleviate that concern; Mr. DiSaia should consider this and gain opinion from his wife and his engineer.

Mr. Palamer said that it does not look like a project the Commission would thoroughly discourage.

Mr. Palmer asked Planning staff to get the Zoning Board minutes to Commission members to review; member thoughts could then be passed to Mr. DiSaia. He said Mr. DiSaia should get in touch with the staff about how to move forward.

Application for Development Plan Review: for O'Reilly Auto Parts Building, c/o Bohler Engineering, 352 Turnpike Rd, Southborough, MA 01772 for the construction of a 7,448 sq. ft. O'Reilly Auto Parts retail store along with 28 parking spaces and related site amenities located at 7570 Post Road AP 108 Lot 004 zoned Post Road (PR).

Recommendation to the Zoning Board of Review: for O'Reilly Auto Parts Building, c/o Bohler Engineering, 352 Turnpike Rd, Southborough, MA 01772 for requested relief for the proposed O'Reilly Auto Parts proposal located at 7570 Post Road AP 108 Lot 004 zoned Post Road (PR).

Ms. Harrington reminded the Commission that this project was presented to them as a pre-application August, 2017. At that time, the Commission had brought up concerns about signage, landscaping and limited curb cuts (access points).

The applicant is now asking for Development Plan Review, but is also applying Zoning Board of Review for Zoning relief. The applicant has applied for a Physical Alteration

Permit with RI DOT and a Coastal Resource Management Council (due to nearby wetland) permit.

She said the plan is to construct a 7448 sq. ft. O'Reilly's Auto Parts store. The land is now vacant after the demolition of a previous structure. There is an National Grid easement running along the front of this property – no structure can be built in this area. The present proposal is to place the building towards the rear of the site (82.2' from Post Rd.); Town Ordinance requires 10'-20' from Post Rd., but there is provision within the ordinance to allow the Commission to increase this setback.

The land does abut residential properties which must be buffered; however, this proposal sits the structure 200' from the rear property line, well within buffering requirements. The proposed structure will be single story with a height of 22'. The Commission had commented in August that straight bare sides of the design would be better with some sort of ornamental piers; ornamental piers have been added in this new plan. Rooftop screening has been added along the roofline to screen mechanicals. The applicants have submitted requests for a ground mounted sign (externally lit); two storefront wall mounted signs which will meet ordinance requirements. Lighting details have been submitted. Parking spaces will number 28 ; 2 handicap accessible; 28 spaces meet ordinance requirements, however, the parking will need to sit at the front and side of the building due to the building location (discouraged within the Post Road Guidelines) The new plan does show some changes to the landscaping plan the Commission originally saw: 12% internal landscaping is now planned; 5 street trees are proposed; landscaping and a 6' vinyl fence in the southeast corner of the property (which abuts a residence). The applicants are looking for some waivers: building placement for the maximum setback increased to 85.2' (due to the easement); location of parking to the front and side of the structure.

Ms. Harrington said the Commission is also charged with sending a recommendation to the Zoning Board of Review for need relief of lighting and signage requirements.

Ms. Harrington finished saying the staff finds the proposal a welcomed improvement of the existing site conditions. She added that the review should meet findings found in Section 21-284 of the Town Ordinance.

Mr. Randy Miron, engineer with Boehler Engineering gave a brief presentation saying Ms. Harrington had done a great job of covering the changes. He added that the Commission's comment on reducing two access curb cuts to one has been amended on this plan. A sidewalk is planned to run the length of the property along Post Rd. He expects RI DOT approval soon. All runoff will be handled on site and infiltrated toward the wetlands at the rear (at a slower rate). New sewer, electric and water utilities are planned. A sediment control plan has been submitted. The trash dumpster(s) will be screened.

Mr. Palmer asked about the Commission's concern on perimeter lighting.

Mr. Miron said two footcandle at the perimeter front and sides; zero footcandles on rear perimeter (where the property abuts residential property). Mr. Miron talked briefly about signage; they would like to install a ground mounted sign in the front – the plan is for a height greater than allowed – Zoning Board of Review relief will be needed.

Ms. Lauren Sirois. Architect for the project, said that they will light the sign with ground mounted lighting. She said it is difficult to meet the Post Road guidelines, (ex. Decorative nature, down lit, no internally lit signs). The O'Reilly Company likes to have similar design and signage; the usual signage is internally lit.

Ms. Nickles commented that the sign should be designed to meet Town Ordinance; or, the Ordinance should be changed. The Planning Commission and Zoning Board should not be arbitrarily approving relief.

Mr. Grundy said he would like to see an engineered plan of the lighting.
Mr. Roach said he was not against allowing an internally lit sign.

Ms. Harrington said that some recent signage along Post Rd. has made use of reverse channel lighting; which looks very good.

Mr. Grundy asked if rooftop screening was added to the new plan.

Ms. Sirois said yes screening was added to hide the mechanicals; however, some will show at the rear of the building.

Ms. Nickles said the rear of the property faces a very concerned residential neighbor; screening should completely hide mechanical equipment.

Mr. Grundy asked if a more decorative bollard could be used along the perimeter of the building.

Mr. Grundy commented that the signage plan seemed to show that cinderblocks would be used to hold down temporary signage.

After discussion, Mr. Miron assured the Commission that something better would be used to hold the temporary signage.

Ms. Debra Moreau, the abutter to the rear said she is very concerned about drainage. The drainage seems to flow totally towards the bio-retention system which borders her property. She is afraid stormwater will flow to wetlands located between the two properties.

Mr. Grundy responded that the impervious surface of this new plan is drastically reduced. He told Ms. Moreau that water is draining down the hill across Post Rd from this property into these wetlands now. The engineering issue is the rate at which the water drains into those wetlands – the proposed detention system in this plan is designed to absorb water into the soil, slowing down the rate at which it flows through the wetlands. Ms. Moreau would like proof.

Mr. Palmer told Ms. Moreau that company engineers, town engineers as well as RI Department of Environmental Management personnel have all reviewed and agree with

this plan. The Commission listens and reviews projects counting on the testimony of experts. This plan shows that the O'Reilly's engineers have met the requirements on this particular site.

Ms. Moreau was not satisfied with that answer.

Mr. Callaghan told Ms. Moreau that if she disputes the calculations it is up to her to prove them wrong.

Ms. Moreau asked that the Commission see that the applicant screens the roof mechanical equipment all the way around the rooftop. She asked the Commission to understand her concerns with visuals, lighting and sound, which will all impact her property. She asked about assurances of future integrity and care of the property.

Mr. Palmer asked Mr. Miron if screening the entire rooftop was something O'Reilly's would be willing to do.

Mr. Miron said that he sees no problem obtaining that from O'Reilly's

Ms. Sirois added that O'Reilly's has an excellent reputation of maintaining their properties.

Mr. Palmer said that this applicant has been very amendable to requests. With all said, Mr. Palmer asked if there was further comments or questions of the Commission members.

Ms. Harrington said that the Commission may want to hold off on making a recommendation to the Zoning Board, due to further information needed for signage and lighting.

Ms. Sirois said that she would have to consult O'Reilly's about this – the market brand usually involves internally lit signage. She did ask Commission members if they might consider the use of internally lit signage if the requested signage size was reduced. Commission members discussed signage – suggesting height be obtained with a landscaped “mound”. Members agreed they would be willing to look at internally lit signage if smaller; but they want to see any new design plan first.

There was Commission discussion about making motions which exclude the monument sign; a vote could happen on that when more information is presented.

With that, Mr. Grundy moved to send a positive recommendation to the Zoning Board of Review for dimensional variances for: lighting (Section 21-278(e)(1) granting 19.2 footcandles of relief with the condition that at the property lines the lighting illumination levels will not exceed .2 footcandle; a 5000 sq. ft, maximum building setback (Article IV, Table 2B. Business Districts (9)) for 2748 sq. ft. of relief. Any relief regarding signage will be addressed at a future Planning Commission meeting

Mr. Palmer called for a second. Ms. McCue seconded. All voted aye. The motion carried.

Mr. Palmer then entertained a motion with regard to Development Plan Review. Mr. Grundy moved to approve the Development Plan Review for O'Reilly Auto Parts store. The building as presented at 7570 Post Rd., Assessor's Plat 108, Lot 4 with the exception of the proposed front ground mounted sign which will be addressed at a future meeting. Positive findings for:

- The requested action will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan upon which this chapter is based.
- The grant of the approval will not pose a threat to the drinking water supply.
- The use will not disrupt the neighborhood or the privacy of abutting landowners by noise, light, glare or air pollutants.
- Sewage and waste disposal into the ground and the surface water drainage from the proposed use will be handled on site.
- The traffic generated by the proposed use will not cause congestion or introduce a traffic hazard to the circulation pattern of the area.
- Accessory signs, off-street parking and loading areas and outdoor lights are designed and located in a manner which complements the character of the neighborhood.

Waivers granted for the building placement for the maximum building setback to be increased to 85.2' due to the easement location in accordance with Article !V: Dimensional Regulation: Table 2B (13); and, the location of parking to the front of the building in accordance with Section 14.3.2 of the Subdivision & Land Development regulations.

The Planning Commission considered these waiver requests in accordance with criteria as set out in Section 14.3.1. of the Subdivision & Land Development Regulations:

1. The existing site conditions provide significant hardship and preclude the implementations of any design standard; or,
2. The applicant provides an alternative design that achieves the goals of the Comprehensive Plan and the Post Road Corridor Plan.

The approval is conditioned on approvals from RI Department of Transportation and Coastal Resource Management Council approvals.

An added condition is that the rooftop mechanical equipment shielded in all directions.

Mr. Roach seconded. All voted aye. Development Plan was approved.

Minutes

Mr. Palmer entertained a motion to approve the November 21, 2017 meeting minutes draft.

Mr. Grundy requested some minor changes.

Mr. Grundy then moved to approve the amended minutes.

Mr. Roach seconded. All voted aye. The November 21, 2017 minutes were accepted into the record.

Adjournment

With that done, Mr. Roach moved to adjourn.

Mr. Grundy seconded. All voted aye. The meeting was adjourned at 9:40 PM.

Beth Gagnon-Glasberg
Recording Secretary