

Town of Smithfield

Planning Board

64 FARNUM PIKE ESMOND, RHODE ISLAND 02917

April 19, 2018 Meeting Minutes

Members Present: Richard Colavecchio, Al Gizzarelli, Jr., Catherine Lynn, Michael Moan, John Steere, Steve Tillinghast, and John Yoakum
Members Absent: Jennifer Hawkins, Curtis Ruotolo
Others Present: Michael Phillips, *Town Planner*, Scott Levesque, *Assistant Town Solicitor*

The April 19, 2018 meeting of the Smithfield Planning Board opened at 7:00 p.m.

EMERGENCY EVACUATION AND HEALTH NOTIFICATION

Chairman John Yoakum read the Emergency Evacuation and Health Notification.

APPROVAL OF MEETING MINUTES

The minutes from the March 15, 2018 Planning Board meeting were reviewed.

John Steere made a motion, seconded by Steve Tillinghast, to approve the minutes from the February 15, 2018 Planning Board meeting, as amended. The vote on the motion was as follows:

Voting In Favor: Members Colavecchio, Moan, Steere, Tillinghast and Yoakum
Voting In Opposition: None
Abstaining: Members Gizzarelli and Lynn

The vote on the motion being five in favor with two abstentions, the motion carried.

NEW BUSINESS

DOUGLAS PIKE/HAINSWORTH (ID#: 18-004)

Minor Subdivision – Preliminary Plan
AP 45/Lot 81 – Douglas Pike
3.6 Acres - 2 Lots - Zoning R-80
Applicants/Owner: Jamie & Charlene Hainsworth

Surveyor: Marc N. Nyberg, PLS #1797

Review, discussion and vote on approval, approval with conditions or denial of the applicant's preliminary plan.

Jamie Hainsworth stated that he is seeking to cut the existing lot into 2 and that DEM has approved wells as water is not available in the area.

Mike Moan questioned the existing drive and Jamie Hainsworth replied that the previous house was condemned and demolished but that the existing drive is still there. Catherine Lynn stated that she is concerned with sight lines on the existing drive and Jamie Hainsworth replied that, if DOT will approve it, his intent is to move the driveway location as far north as he could.

Catherine Lynn questioned the plan for the stone wall and Jamie Hainsworth replied that, hopefully, it will be used to rebuild the stone wall.

Mike Moan questioned whether they are submitting for a PAP from DOT and Jamie Hainsworth replied they will if it is required but that they may be able to make an alteration to the previous PAP.

Town Planner Mike Phillips stated that the septic is within the 100 foot wetland setback and that an application has been submitted to DEM and assumes that it will be approved. Jamie Hainsworth stated that the septic encroaches 20 feet into the wetland buffer but is expecting DEM approval soon. Jamie Hainsworth added that Natural Resource Services conducted the wetland delineation and also submitted the application to DEM.

John Steere made a motion, seconded by Steve Tillinghast, to grant preliminary approval subject to DEM granting septic system approval, incorporating the findings in Mr. Phillips' memo as Exhibit 1 with the correction of the subdivision being 1 additional lot; not 7, and requiring the reuse of the alteration to the stone wall. The vote on the motion was all in favor and the motion carried.

RECOMMENDATION TO TOWN COUNCIL ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

Amendments are proposed that would add a new section entitled "Article 5.11 Solar Energy Systems". The proposed provisions add new district use categories for solar projects and provisions for siting and regulating roof, building and ground mounted solar energy systems.

Assistant Solicitor Scott Levesque stated that this proposed ordinance has been vetted by numerous people and is now seeking the Board's input on their role in the solar energy ordinance process.

Mike Moan questioned why they should be allowed in residential zones beyond as an accessory use for proposed or existing buildings since they take up a lot of space and result in clear cutting large swaths of trees. John Steere stated that he agrees and suggested a carbon sequestration

analysis to compare carbon in the trees versus the amount of carbon not being put into the atmosphere. John Steere stated that it should only be allowed in residential zones if a certified structural engineer can certify that the system can carry the load.

Mike Moan suggested restricting it to commercial and industrial sites and not allowing it in residential zones. Catherine Lynn stated that she thinks solar energy projects in residential zones should be limited to rooftop systems.

Town Planner Mike Phillips stated that this was considered in drafting the ordinance with requiring setbacks, screening and not being visible in a neighborhood and questioned why not allow them in R-80 since the ordinance does also stipulate that not more than 40% of the land can be cleared. Additionally, Planner Mike Phillips stated that the Comprehensive Plan encourages solar projects but to steer them towards areas where they will not result in clearing the forest.

Mike Moan requested removing the mixed use zone from Table 4.3 since it is only allowed as an accessory use in the MU zone.

Mike Moan questioned, on page 5, item #14, whether it is necessary to require a noise study and Town Planner Mike Phillips replied that the transformers emit a sound at the panels.

Catherine Lynn suggested adding, on page 13, item #4, that “the Town be notified if the insurance policy is canceled” otherwise they have no way of knowing if the insurance is in force.

John Steere questioned whether the Board agrees that ground mounted systems in residential areas should not be allowed. Al Gizzarelli stated that there is not enough information to say whether or not to allow ground mounted systems in residential zones. Assistant Solicitor Scott Levesque stated that is why it is proposed to be allowed by special use permit because there may be specific instances where it works. Al Gizzarelli agreed that it should be reviewed on a case by case basis.

Catherine Lynn questioned what happens if the company goes out of business and would the Town have to decommission the system and Town Planner Mike Phillips replied that he assumes the Town would put a lean on the property.

Solicitor Levesque summarized the comments made from the Board:

- Require a carbon sequestration study for large systems in residential and commercial zones;
- Engineer must certify any structure can support rooftop systems;
- Eliminate the limit of 120% of the energy to support a principle use for accessory solar systems;
- If more than 40% of trees are proposed to be clear cut, an environmental impact study would be required;
- On page 4, remove MU from paragraph 8 (e & f); and
- On page 13, add the requirement that if the insurance policy is canceled, that the Town be notified.

Town Planner Mike Phillips stated that on page 4, item G it is written that “all utility connections should be underground” and that this may make some projects infeasible and Solicitor Scott Levesque suggested that the language be revised to “require all connecting lines be underground to the extent feasible”.

John Steere recommended striking paragraph C on page 9 in section 6 that roof mounted systems are not to be installed facing the road. John Steere also suggested striking subsection D, paragraphs 1, 2, 3 and striking “under the following conditions”. The Board’s consensus was to strike subsection E in its entirety.

A request was made to remove the word “principal” on page 10.

Buffers I – Mike Phillips stated that the attempt was to address screening and if what is written there is not sufficient to screen then will the Board will have to address it and suggested including “may include but not be limited to the following”. It was also suggested to eliminate large scale items.

The Board agreed to the following additional changes to the ordinance:

- Remove subsection J;
- Subsection M - add the phrase “to the extent feasible”;
- Subsection P – add the phrase “crushed stone or gravel would be required”;
- Section 7, item A, “small less than 1,750, medium between 1,750-40,000, and large over 40,000”;
- Section 8, item A – adding the highway commercial zone; and
- In Section 9, item A “Any roof mounted or accessory...” should be excluded from the decommissioning requirements.

Another suggested change was that the ordinance outlines enforcement provisions which reference the enforcement section of Zoning Ordinance and therefore can be deleted.

Catherine Lynn made a motion, seconded by John Steere, to recommend that the Town Council adopt the ordinance with the recommendations made by the Planning Board this evening. The vote on the motion was as follows:

Voting in Favor: Members Colavecchio, Gizzarelli, Lynn, Steere, Tillinghast, and Yoakum
Voting in Opposition: Member Moan
Abstaining: None

The vote on the motion was six in favor with one in opposition, the motion carried.

DISCUSSION OF POSSIBLE AMENDMENTS TO THE COMPREHENSIVE COMMUNITY PLAN RELATING TO THE DENSITY, LMI PERCENTAGES AND SPECIFIC SITES SET FORTH IN TABLE H-25 AS WELL AS IN HOUSING STRATEGY 2 OF THE COMPREHENSIVE COMMUNITY PLAN.

Town Planner Mike Phillips stated that there has been concerns expressed about changes made to the percentages in densities with a specific concern being allowing for 12 units per acre for 51% LMI or more projects whereas before a project had to provide 100% LMI units in order to obtain density of 12 units per acre. Mr. Phillips added that he is not sure that this is an issue since most developments are coming in at the minimum requirement of 25% LMI.

Town Planner Phillips stated that the other issue is that there are 33 selected sites for affordable housing in Table H-25 and some have already been developed or no longer eligible. Mr. Phillips stated that he will have more on this for discussion at the next meeting.

DISCUSSION CONCERNING REVISIONS TO DRAFT PLANNING BOARD RULES OF PROCEDURE

Assistant Solicitor Scott Levesque presented a draft of the Planning Board Rules of Procedure and the following changes were discussed:

Page 1, paragraph 2 – change to 5 members shall constitute a quorum; not a majority;
Add “Planner’s Report and Solicitor’s Report”;
Reference Robert’s Rules of Order;
Strike paragraph 11;
Change on the second line to strike “or another board member”;
Add “at the Chair’s discretion” to item 16;
Add language to item 19 to address stating the findings or a letter or memorandum and add a procedure for marking exhibits as they come before the Board; and
Adding that the Planning Board, at its discretion, requires 48 hours for submissions of any documents.

Al Gizzarelli made a motion, seconded by John Steere, to adjourn the meeting at 9:55 p.m. The vote on the motion was all in favor and the motion carried.

The next meeting is scheduled for **Thursday, May 17, 2018** at 7:00 p.m.

Respectfully submitted,

Donna A. Corrao
Recording Secretary