

**REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**NOVEMBER 19, 2012**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

**OPEN FORUM**

**Comments by Solicitor Nadeau**

**Mr. Nadeau took this opportunity to thank all of the Council members who had appointed him for his two terms, Town Administrator Hamilton, and the department heads with whom he had worked.**

**Agenda Items**

**Michael Rapko asked if some agenda items could be deferred this evening because there is a lot on there and he felt some of the ordinances needed lengthy discussion to be done properly.**

**Halliwell School Task Force Report**

**Back in August Michael Clifford had asked when there would be a public hearing on this report. He and others who have read the report have questions and he is wondering when there will be a public hearing. Mr. Clifford is resentful that the public has not been afforded the opportunity to comment on the report.**

**Sewer Ordinance Amendment Re: Credits for Privately Financed Construction**

**Ernest Alter feels this amendment was drafted by Solicitor Nadeau and it bypassed the Ordinance Development Committee. It appears**

**this is another attempt to shut out the public and rush through personal agendas.**

**Mr. Nadeau clarified that he was asked by the Council to prepare a draft ordinance for their consideration.**

## **REGULAR MEETING**

**The meeting began at 7:08 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Zwolenski and Mrs. Charest. Mr. Yazbak had a business commitment but did arrive later in the evening. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.**

## **CONSENT AGENDA**

**Mrs. Charest asked that the Coastal Resources invoice be held out of the bills for payment.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve the following: 1.) Minutes of August 6, October 15 and November 5, 2012; 2.) Payment of the following bills: General Fund - \$311,046.37; Sewer - 788.99; Water - \$22,078.02; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$2,027,132.38; 3.) Invoice from Assistant Town Solicitor William Savastano in the amount of \$1,215.00; 4.) Conservation Commission Minutes of August 14, 2012; 5.) Resignation of Louise Belisle from the Historic District Commission; 6.) Animal Control**

**Monthly Reports from September and October 2012; 7.) NSF&RS Inc. Monthly Incident Report for October 2012; 8.) NS Police Department Monthly Activity Report for October 2012; 9.) NS Municipal Court Monthly Activity Report for October 2012; 10.) Letter from RIDOT Re: Roadway Damage Caused by Hurricane Sandy; and 11.) Resolution Supporting Low and Moderate Income Housing Act: Program Analysis from the Town of Charlestown.**

**Regarding the Coastal Resources invoice, Mrs. Charest has been receiving complaints about picking up the waste.**

**Ms. Hamilton agreed there have been some problems.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on aye vote to pay the Coastal Resources invoice after there has been some dialogue to resolve the issues.**

#### **YEARLY LICENSE RENEWALS**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to move up all the licenses next on the agenda.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve all license renewals except for those relating to TDM Enterprises Inc./Gator's Pub.**

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**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 3 to 0 (Mr. McGee recused) on an aye vote to approve all licenses pertaining to TDM Enterprises Inc./Gator's Pub.**

**VICTUALING LICENSE - S. PALAZZO D/B/A CAGNEY FOOD SERVICE  
MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve a victualing license for Cagney Food Service located within Wide World of Indoor Sports, Inc. at 621 Pound Hill Road.**

**BVL LIQUOR LICENSE AND VICTUALING LICENSE - YAMA FUJI INC  
D/B/A YAMA FUJI  
MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 0 on an aye vote to continue this to December 3rd at the request of the applicant.**

**MOTOR VEHICLE DAMAGE CLAIM - C. SAVARD  
Since Ms. Savard was not present, MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted to table this until she, or her representative, does appear.**

**PUBLIC HEARING DATE FOR NATIONAL GRID RE: NOISE  
ORDINANCE  
MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to schedule a public hearing date of January 7, 2013**

**for National Grid's request for relief from the noise ordinance.**

**PUBLIC HEARING RE: SEWER ORDINANCE AMENDMENT RELATING TO CREDITS FOR PRIVATELY FINANCED SEWER CONSTRUCTION MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to move this item up next on the agenda.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to continue this to December 17, 2012.**

**CREDIT/ABATEMENT OF SEWER ASSESSMENTS - INDUSTRIAL DRIVE DEVELOPMENT CO.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to move this item up next on the agenda.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to continue this to December 17, 2012.**

**PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT DISTRICT USE REGULATIONS**

**Town Planner Robert Ericson stated the only thing that has changed since the last hearing is the review of recent state law regarding plant agriculture as an allowed use in all zones except for some unusual exceptions.**

**Ms. Caroly Shumway was concerned with 5.4.1(8) Unique Agricultural**

**Pursuits. She felt it should be stricken or better defined.**

**Ms. Shumway thought it would make sense to remove some of the “yesses” in special use permits for open space.**

**Mr. Ericson commented that open space is listed as a zone category here. The idea is if the town has the open space, the town is not constrained by its own zoning.**

**(Mr. Yazbak arrived at 7:59 P.M.)**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote that this be considered a first reading of the ordinance and that the second reading be scheduled for December 17, 2012.**

## **PUBLIC HEARING RE: BUSINESS HIGHWAY ZONE CHANGES**

### **Eddie Dowling Highway**

**Mr. Ericson spoke about a newly proposed Walgreen’s on Plat 21, Lot 33. The primary entrance/exit would be at the Stop & Shop driveway that is already controlled by a traffic light at 146A.**

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## **Quaker Highway**

**Steven Wowk, who resides on Plat 1 Lot 111, was concerned with lights flashing onto his property as well as the backup alarms from the recreational vehicles. All the residents in the area will be impacted from one company that may come in. Mr. Wowk felt this would not be a change that is supported by the surrounding area.**

**Mr. Ericson commented that the Town Council could put additional restrictions on this rezoning that would not apply to 146A. They could require buffers and additional restrictions on lighting.**

**Mr. Zwolenski asked if the intricate stormwater drainage system was ever installed properly between the Flagg RV building and the highway barn but Mr. Ericson was unaware of it.**

## **Victory Highway**

**The owners of Brigido's Market have had the land behind the plaza surveyed and the wetland area is larger than thought. The proposed change to Village Residential would be impractical. He felt the best idea would be to make the whole area MU1 which is a combination of commercial and residential.**

**After looking at the uses listed under MU1, Mr. Zwolenski would be careful about designating this area as MU1.**

**Following a question from Richard Lefebvre, Mr. Ericson explained**

**that Lot 46, per agreement with a proposed developer, is BN with no development allowed. It cannot be changed to BH because that would lose the protection that is already there.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to consider this the first reading and to continue the public hearing and the second reading to December 17, 2012.**

**PUBLIC HEARING GROUNDWATER AQUIFER PROTECTION  
OVERLAY DISTRICT**

**Mr. Ericson noted that the new Groundwater Aquifer map has an additional area on it, the Middle School well cone.**

**Regarding the text of the ordinance, Mr. Ericson stated the most controversial part was Section 6.19.10(C) that states “the maximum percentage of a lot covered by all impervious surfaces (pavement, principal and accessory buildings, etc.) shall be 25%.” After much discussion, the Ordinance Development Committee and the Planning Board decided that there should be different percentages of impervious cover allowed by various districts ranging from Manufacturing at forty percent down to REA at ten percent, with various gradients in between.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote that this be considered the first reading**

**of this ordinance and that the public hearing and the second reading be continued to December 17, 2012.**

## **2ND READING ZONING ORDINANCE AMENDMENT RE: PARKING AND LOADING**

**Mr. Ericson commented that North Smithfield currently requires thirteen parking spaces per thousand square feet retail. That makes the town extremely unattractive. It should be 3.8 or 4.**

**Since there was some confusion about the ordinance that the Council members were using, Mr. Ericson suggested there be a copy of the original version with complete strikeouts.**

**Mr. Yazbak stated that in the future he wants to deal only with existing law with strikeouts in red.**

**Based on comments from Mr. Ericson, Mr. Zwolenski suggested providing the original ordinance with comments/strikeouts in yellow from the Ordinance Development Committee and comments/strikeouts in red from the Planning Board.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to continue the second reading to January 7, 2013.**

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**PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT ONSITE  
WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND  
IMPERVIOUS SURFACES**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted  
unanimously on an aye vote to continue this to January 7, 2013.**

**WOONSOCKET WATER RATE SETTLEMENT AGREEMENT**

**Ms. Hamilton stated there was nothing new to report at this time and  
the matter was continued to December 17, 2012.**

**EXECUTIVE SESSION**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted  
unanimously on an aye vote to enter into executive session at 8:59  
P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective  
bargaining or litigation or work sessions pertaining to collective  
bargaining or litigation to discuss 1.) Marchand vs. North Smithfield  
Police Department; 2.) Narragansett Improvement Company, et als v.  
Jill Gemma et als, C.A. PC08-7468; 3.) Narragansett Improvement  
Company, et als v. Vincent Marcantonio, et als, C.A. No. PC08-6504;  
4.) Town of North Smithfield v. Narragansett Improvement Company,  
et als, PC 08-3674; 5.) Kimberly Enterprises, Inc. vs. the Town of  
North Smithfield Zoning Board of Review, et als; and 6.) Silver Pines  
vs. the Town of North Smithfield.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 9:17 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:17 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**