

North Smithfield Zoning Board of Review
March 26, 2013, 7:00 pm
Kendall Dean School
83 Green St., Slatersville, RI

The Chair called the meeting to order at 7:03 pm.

1. Roll Call

Present: Chair Bill Juhr, Steve Scarpelli, Scott Martin, Paul Pasquariello, Vin Marcantonio.
Absent: Mario DiNunzio. Also present were Building Official Bob Benoit and Assistant Solicitor Stephen Archambault.

2. Disclosure of no compensation or pension credits received by the board members.

3. Approval of minutes, February 12, 2013 and March 9, 2013 (Special Joint Meeting with other town boards).

Mr. Marcantonio made a motion to approve the minutes of February 12, 2013. Mr. Martin seconded the motion, with all in favor.

Mr. Scarpelli made a motion to approve the minutes of March 9, 2013. Mr. Marcantonio seconded the motion, with all in favor.

4. Continued application of Narragansett Electric Company d/b/a National Grid, requesting a dimensional variance from section 5.5, subsection 5.5.1, height variance. Locus is North Smithfield to Burrillville Line. Zoning Districts: REA, RA, RS, BN, and M.

The Chair stated that this meeting is a continuation from the February 12 meeting. At that meeting, the Board had asked the applicant to meet with abutters who had asked about mitigation of issues concerning the proposed construction and the impact on their property. The Chair added the following exhibit to the record:

A3, a letter dated February 19, 2013, from James and Paula Patton, Marguerite Girard, and Dinna Finnegan (abutters from Mountain Road), inviting the Board to make a site visit to their property.

The Chair thanked the abutters for the invitation, but explained that the Board could not make a site visit, as it might imply a bias in the application and that it could violate the open meetings requirements.

Attorney Peter Lacouture and project manager David Beron addressed the Board to give an update of their meetings with the abutters that took place since the February 12 meeting. Mr.

Beron stated that National Grid representatives met with Joanne Forti, Stone Ridge Drive, North Smithfield, Renee Boiteau, 80 Old Nasonville Rd, Burrillville, and Jim and Paula Patton, Marguerite Girard, and Dinna Finnegan, all of Mountain Rd, North Smithfield.

Mr. Beron stated that the National Grid project team met with Ms. Forti on February 22. Her property abuts the corridor, and they reviewed the limits of the proposed tree clearing, the location of the proposed structures, and they reviewed landscaping options and explained the availability of landscape mitigation funds.

The National Grid project team had a similar meeting with Renee Boiteau on March 2. The Boiteaus became aware that the easement was never recorded in the deed for their property, but that is not something that National Grid can help them with. They did agree to stake out the limits of the easement and discussed landscape mitigation plans and funds. This property is located in Burrillville.

On March 9, the National Grid project team had a field meeting on Mountain Road and a follow-up meeting with the Pattons, Ms. Girard, and Ms. Finnegan on March 16. Town Administrator Paulette Hamilton also attended the March 16 meeting. At that meeting, the abutters were given an overview of three alternate design options, which included relocation of structures. The abutters agreed that Option 3 was the best of those. They discussed surveyor staking of the limits of the right of way, the proposed structure center hub, and each leg of the structure. They will be setting up a meeting with a landscape architect to work with the abutters on a landscape mitigation plan. A representative from the forestry group was present to discuss the compatible plantings. Mr. Beron stated that the agreement was not formally approved, but a memorandum was written.

The Chair thanked the applicant for their work and said the Board appreciates the efforts made to work with the abutters. He asked if there were any members of the public who wished to speak. Ms. Patton and Ms. Finnegan addressed the Board. They were reminded that they were still under oath after being sworn in at the previous meeting. Ms. Patton stated her appreciation that National Grid had worked with her and her neighbors. She read from a document she had prepared that summarized the agreement. Ms. Finnegan submitted a 32-page document, which was a printout of all the correspondence she has had with National Grid. The summary that Ms. Patton read was included as a cover sheet. This packet was entered into the record as exhibit A4.

A4--Stapled packet, dated March 26, 2013. Amended during meeting in consultation with the applicant.

After Ms. Patton read the list for the Board, Mr. Beron clarified some of the items. The applicant and the abutters agreed on some amendments to the document. The list, with amendments is included below.

Text of A4, as amended:

“The following is a summary of items agreed upon between the property owners of Mountain Road, North Smithfield, RI, and National Grid. We request that this summary of items be included as stipulations in conjunction with an approval by the North Smithfield Zoning Board on the request by National Grid for height variance.

1. National Grid will keep us updated on construction via bi-weekly emails and will notify us, to the best of their knowledge, when contractors will be in the area.
2. National Grid will provide pre-construction and post-construction inspections/evaluations to our homes and properties for the purpose of documenting existing conditions.
3. A gate will be installed as soon as National Grid provides Finnegan with an agreement to sign; Finnegan’s surveyor has marked the property line.
4. National Grid has investigated several options of pole placement. They have provided us with 3 proposals and we have agreed on Option #3 (*attached*).
5. Regarding our concerns about erosion, noise, visual impact and our property values, National Grid will hire a landscape architect in the coming weeks to work with the property owners to develop and execute a landscape mitigation plan, post-construction.
6. After the landscape plan is approved by the property owners, and prior to construction, National Grid’s Forestry Dept. will walk the easement with us to identify and mark which trees will not be removed.
7. National Grid will make every effort to avoid removing species (of vegetation) that have a mature height capable of meeting minimum clearances.
8. Incompatible species that are not removed during the initial clearing will be cut in the next vegetation maintenance cycle, starting around January 2017.
9. National Grid has agreed to have a surveyor stake the boundaries of the National Grid easement and the proposed pole locations at 30 foot intervals within the next few weeks.
10. National Grid will review the proposed access to a structure location off Mountain Road to determine if it includes the proposed use of the driveway on the Finnegan property. If it does include the use of the driveway, National Grid will evaluate to determine if, and what, repairs it will need.

Dinna Finnegan, 6 Mountain Road
Maggie Girard, 4 Mountain Road
Paula & Jimmy Patton, 2 Mountain Road”

Renee and Aldege Boiteau were sworn in by the stenographer. They stated that they were surprised when National Grid came out to visit to find out that there is an easement on their property. They stated that they realize there is nothing National Grid can do to help them with this, but they are working with a real estate attorney. Mr. Boiteau added that even though there is a landscape mitigation budget available, he is afraid that the clearing of trees will lower their property's resale value. The Chair stated that he understands their concerns, but since their property is in Burrillville and that they pay property taxes to Burrillville, they need to speak with that town's officials. The Boiteaus stated that they have been in contact with Burrillville, but they just wanted to make their concerns known.

The Chair closed the public hearing at 7:40 pm.

The Chair stated that Mr. Marcantonio will be voting in the absence of Mr. DiNunzio.

Mr. Scarpelli made a motion to approve the application of Narragansett Electric Company d/b/a National Grid, requesting a dimensional variance from section 5.5, subsection 5.5.1, height variance, with the stipulation that the agreement between the abutters and the applicant (exhibit A4) be followed (as amended during the meeting). Mr. Marcantonio seconded the motion. Roll Call vote was as follows: YES: Mr. Jühr, Mr. Scarpelli, Mr. Pasquariello, Mr. Martin, Mr. Marcantonio. Motion was approved, with a vote of 5-0.

5. Discussion and review of ZBR Rules and Regulations, with possible vote or other action.

Mr. Scarpelli made a motion to approve the revisions to the Zoning Board Rules and Regulations. Mr. Pasquariello seconded the motion, with all in favor. The document will be forwarded to the Building Official for inclusion with all future zoning applications.

Mr. Scarpelli made a motion to adjourn at 7:50 pm. Mr. Martin seconded the motion, with all in favor.