

North Smithfield Zoning Board of Review  
February 11, 2014, 7:00pm  
Primrose Fire Station  
1470 Providence Pike, North Smithfield, RI

The Chair called the meeting to order at 7:00 pm.

1. Roll Call

Present: Chair William Juhr, Vice Chair Steve Scarpelli, Scott Martin, Mario DiNunzio, Paul Pasquariello and Vincent Marcantonio. Absent: Assistant Town Solicitor Stephen Archambault. Also present was Building and Zoning Official Robert Benoit.

2. Mr. Juhr made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, January 14, 2014. Minutes were not available. The Zoning Board Secretary, Diane Agostini, stated she was not in attendance for this meeting and the transcripts from the stenographer were to be used as the meeting minutes. Mr. Juhr asked Mr. Benoit if his office followed up on the transcripts. Ms. Agostini sent several emails to Allied Court Reporters requesting the transcripts prior to the Feb. 11, 2014 meeting and they responded by email that they would be ready by Monday, Feb. 10<sup>th</sup>. Ms. Agostini received an email from Sue Lecuivre, Building Inspector's Office the day of the meeting stating she talked to Alex from Allied Court Reporters on Monday and that this process takes some time. They were asked to bring the transcript to the Building Official's Office after it has been completed. Sue said that it won't be completed for this evening.

Mr. Juhr stated the Asst. Town Solicitor cannot write the decision for Valley Alliance for Smart Growth without the transcripts and needs them as soon as possible. Mr. Juhr asked Ms. Agostini to email the Town Administrator and copy Mr. Archambault, Bob Benoit and Sue Lecuire requesting the transcripts from the January 14, 2014 meeting in order to write the decision.

Asst. Town Solicitor, Stephen Archambault arrived 7:05 p.m.

4. Applicant, NextSun Energy LLC, together with Sam Man Realty Corp., land owner, are requesting to install a "Renewable Energy Solar Field" located at 582 Great Road, Plat 5, Lot 64. This property is located in the Manufacturing Zoning District. Section 5.4.9 SubSection 7 of the Ordinance requires the granting of a Special Use Permit by the Zoning Board of Review for this proposal.

The board members did not receive the application and other documents in their packets only the site plan maps. Mr. Juhr stated the application was in front of the Planning Board who approved the project. The members did not have this documentation prior to the meeting and need more time to review. All members received the documents via email on Monday from Bob Ericson. The documents would not have been sent to the members if Mr. Juhr didn't contact Mr. Ericson.

Mr. Juhr said going forward the members are to receive all paperwork by mail not hand delivered 7-10 days prior to the meeting date. Mr. Juhr said the Building Official's Office didn't get the documents to the Board and it's a reflection on the Town. The Board did not receive the January 8, 2013 letter that was sent to Bob Ericson from Crossman Engineering.

Discussion on the Zoning Ordinance that is now online and the board members are requesting copies. Mr. Martin stated Section 5.4.9 Sub Section 7 was not on the website until the day of the meeting. Mr. Benoit said Section 5.4.9 was revised and approved by the Town Council on Feb. 4, 2013 and a copy was provided to all board members over the summer. Mr. Archambault said it is critical and he doesn't have Section 5.4.9 Sub Section 7. All members need updated books. Mr. Benoit said the Zoning Ordinance has been revised and the book should be ready on Wednesday.

Mr. Benoit said they board members should have contacted his office if they did not receive the documents. Mr. Juhr was not comfortable going forward with the meeting without having time to review the application and documents. Mr. Archambault stated the packets are inadequate and he suggested the Board take five minutes to review the documents in front of them.

A motion was made to deliberate for 10 minutes to review the documents by Paul Pasquariello, seconded by Steve Martin. Roll call vote was as follows: YES: Mr. Scarpelli, Mr. Pasquariello, Mr. DiNunzio; NO: Mr. Juhr, and Mr. Martin. Motion passed, with a vote of 3-2.

The meeting deliberated at 7:25 p.m. The meeting was back in session at 7:35 p.m.

Mr. Juhr did not have enough time to review the documents. Mr. Juhr stated the packets should have been put together by the Building Official, sealed and mailed to the board. Mr. Juhr does not want any documentation sent electronically only mailed. The Zoning Board Secretary said Mr. Benoit gave her a lot of documents some had notes on them to send to the board members, Asst Town Solicitor, applicant and landowner. She was also given a packet with her name on it and during the deliberation found out that the Building Official clipped the copies of the application and documents for the board members to her packet. Mr. Juhr asked Mr. Benoit who puts the packets together and he pointed to the Zoning Board Secretary, Ms. Agostini. Ms. Agostini said she had never put the packets together as they were assembled by the Building Official's office and his office would mail or he would deliver to the members. Mr. Juhr stated that it is the Building Official's responsibility not the Zoning Board Secretary to assemble all the packets to the board members, and the Asst Town Solicitor. Going forward all packets will be assembled by the Building Official and mailed to the board members.

Mr. Juhr said the Site Plan which includes the Abutters List is dated December 2013 and shows Plat 5, Lot 479 which is different than the description on the Hearing Notice which states Lot 64. No exhibits will be accepted.

Amelia Tracy and Johnnie Chin, representing the developer were in attendance but not the landowner. Ms. Tracy stated NextSun Energy is proposing a solar panel field in the manufacturing district. The installation will consist of driving steel posts in the ground. Mr. Chin said the 1.08 system will transfer DC to AC. There will be 3,500 panels and each panel is

6 ½ x 4, double stacked, 3 feet tall with 10' tall at the highest point. There will be 72 cells each 300 watts. This project will not be creating any impervious surfaces. The hedgerow will be cut back in the corner of site to allow for panels. The plans provided by Crossman Engineering also show a project for retention plans and wetlands. Ms. Tracy stated the Special Use Permit is just for this project not anything else. Mr. Chin said the panels are not a reflective surface and that airports have approved these panels. The solar panels are self efficient and need to synch with National Grid. There will be a 6 foot chain link fence surrounding the project. The board asked why the engineers included the wetlands project on the site plan. There are wetlands on the property and NextSun has submitted wetlands permits to RIDEM and should have approval in the next few days. Mr. Jühr asked why the owner, Sam Man Realty, is not in attendance because there is more than one project on the plans.

Mr. Archambault stated the applicant, NextSun Energy, is asking for a Special Use Permit only for the 5 acres of land that are being leased. Mr. Scarpelli would like clarification on the lot numbers since the application lists Plat 5 Lot 64 and the Map lists Plat 5 Lot 479. Ms. Tracy said they will revise the application with the correct lot. Mr. Jühr would like the land owner at the next meeting if possible. There was discussion about notice to the abutters and if new abutters will need to be notified.

The Dept. of Transportation was not on the abutters list. Mr. Scarpelli said the application will be continued to the next meeting date of February 25<sup>th</sup> if everything is completed in time. This meeting will be held at Kendall Dean School. Mr. Archambault will look into this and advise the board then the meeting will be set. Mr. Pasquariello said it would be nice to have the owner at the next meeting to answer questions on the lot. There are two projects on Lot 479 the question is on Lot 64. Mr. Archambault said the applicant, NextSun Energy, is seeking a Special Use Permit not the owner for 5 acres in a 25 year lease.

Mr. Jühr stated the board members must receive all the documents by mail 7-10 days before the meeting date and if not it will be moved to the next meeting date.

5. Mr. Scarpelli made a motion to adjourn at 8:50 pm. Mr. Jühr seconded the motion, with all in favor.

Submitted by Diane Agostini