

**Town of North Smithfield**

**Planning Board Meeting**

**Kendall Dean School, 83 Greene Street**

**Thursday January 18, 2007, 7:00 PM**

**Present: Chair Joseph Cardello, John O'Donnell, Ed Magill, Dr. Lucien Benoit, Bruce Santa Anna, John Flaherty, John Czyzewicz.**

**Also present: Town Planner Michael Phillips, Assistant Town Solicitor Bob Rossi**

**The Chair called the meeting to order at 7:02 p.m.**

**I. Rankin Estates – Master Plan Informational Meeting (continued from Dec. 7 meeting) Owner/Applicant: Narragansett Improvement, Inc.**

**Location: Douglas Pike, Angela Way, Brookside Drive, Leonard Drive & Rankin Path; Plat 14 Lots 17, 19, 20, 29, 31-34, 36, 88, 93, 107, 123, 125, 128, 135, 136, 139, 140, 141, 144, 145, 147, 159, 202 & 242;**

**Zoning: RA-65 (Rural Agriculture)**

**Dr. Benoit recused himself because he is an abutter to the property. John Flaherty recused himself for this evening. He is awaiting a formal opinion from the ethics commission because one of the applicant's consultants is now on the board of directors of Mr. Flaherty's employer.**

**Michael Kelly, attorney for the applicant, addressed the Board. He informed the Board that the Rhode Island Historical Preservation Commission suggested a full archaeological study of the site in order to determine if there are any significant historic features to be found within it. Mr. Kelly stated that the applicant has been in touch with the Public Archaeology Laboratory, which is putting together a proposal to determine the scope of the work involved in such a study.**

**At 7:13 p.m. the Chair opened the meeting for public comment. Clinton Poole, attorney representing Rankin Path residents John Carveiro and Tracy DiDonato, asked the Board to decide which regulations they will be using in making their decisions about this application. The developer has reached a consent agreement with the Town Council to use the subdivision regulations in place in November 2005. The regulations were amended in May 2006. Mr. Poole stated that since the Planning Board is not named in the consent agreement, they are not bound by it. Mr. Poole stated that the Planning Board holds sole authority in determining what set of regulations should apply to this application. Attorney Kelly stated that the Planning Board does not have that authority, and it should be a Superior Court Judge that makes that judgment. Mr. Rossi stated that after listening to Mr. Poole's position and Mr. Kelly's position, he agrees with Attorney Poole and advised the Board that the Town Council does not have authority to direct the Planning Board with respect to which regulations it can apply. Therefore the consent**

**order has no effect on this application and the Board is obligated to apply the current regulations.**

**The Chair asked the Board to make a motion to make it clear what set of rules and regulations they would apply to this application. Mr. Santa Anna made a motion to apply the current May 2006 regulations in its review of the application. Mr. O'Donnell seconded the motion.**

**Vote: Edward Magill, yes; John Czyzewicz, yes; John O'Donnell, yes; Joseph Cardello III, yes; and Bruce Santa Anna, yes. Dr. Lucien Benoit and John Flaherty recused due to conflicts. Motion passed 5-0.**

**Mr. Kelly asked the Board to hold the application in abeyance while the applicant assessed what impact the decision would have on the application. Mr. Kelly stated that he will use the time to go to Superior Court to clarify the consent agreement. Mr. Phillips stated that the 120-day review period ends on February 16. The Board has two more scheduled meetings before that date. The Chair continued the hearing to February 1, 2007 at 7:00 p.m.**

**The Chair called for a 5-minute recess at 7:40. The meeting was called back to order at 7:46 p.m.**

**II. McDonald's – Site Plan Review--Exterior Lighting Modification  
Contractor/Applicant: Roger Desjardins – Marceau Construction**

**Location: 6 Eddie Dowling Highway; Plat 21, Lot 46; Zoning: BH (Business Highway District)**

**Joseph Napoli, owner/operator of McDonald's, addressed the Board about the revisions to the lighting plan. Mr. Napoli had met with Mr. Phillips to investigate options for reducing the light levels on the property. The revised plan calls for attaching a shield to the bottom of the fixture on the top of the pole, which diminishes the lumens at the entrance and exit area and reduces glare. Mr. Santa Anna asked Mr. Phillips if the submitted lighting plan complies with lighting standards. Mr. Phillips stated that there really is no standard, but generally levels of 1 or below at the property line are recommended.**

**Mr. Santa Anna made a motion to approve the site plan and lighting modifications. Mr. O'Donnell seconded the motion, with all in favor.**

### **III. Site Plan Review--Wireless Communications Facility**

**Contractor/Applicant: Omnipoint Communication, Inc./T-Mobile USA**

**Property Owner: Phoenix Rising Stables; Location: 260 Pound Hill Road; Plat 9, Lot 150**

**Zoning: Residential District (REA)**

**The Chair recused himself, as he is an abutter to the property.**

**Brian Grossman, attorney for the applicant, addressed outstanding issues from the applicant's previous appearance before the Board.**

**The first issue was about tower design. Mr. Grossman stated that a flagpole design could be done from a technical standpoint, but he recommends against it for aesthetic and co-location reasons. The flagpole design would have a slight impact on performance, but mostly it would decrease the potential for co-location with other carriers.**

**The second issue was whether the tower could be painted brown. Mr. Grossman said the tower could be painted, but his opinion is that leaving the tower grey is the best option for blending the tower into the surroundings. He also stated that there is not a lot of maintenance involved for a painted tower.**

**The third issue addressed was that of the access road to the site. Mr. Grossman stated that the road could be paved, but he feels that this would exacerbate flooding. He stated that a better option would be to add a geofabric permeable membrane. Mr. Grossman handed out plans to the Board, but stated that other than a few notes, the new plans were essentially the same as though distributed at the previous meeting.**

**Dr. Benoit asked Mr. Grossman to describe the need for the new tower. He also asked if this area is also an area of poor coverage for other carriers. Mr. Grossman stated that there is a substantial dead zone between 146 and 146A and the residential areas within this area.**

**He is not sure about the coverage for other carriers, as he does not**

have access to this data.

Mr. Flaherty asked what the standard coverage is for this size tower. Mr. Grossman stated that there is really no standard, as coverage depends on many factors, including lower bandwidth vs. higher bandwidth carriers and topography. In this area, a 150-ft. minimum tower is required to provide coverage to both 146 and 146A. Mr. Czyzewicz asked if there is a generator at the tower. Mr. Grossman said there is only a portable generator in case of a major power outage. There is not permanent generator at the site.

Mr. O'Donnell asked about colocation with other carriers. Mr. Grossman said he is not sure of the gap in coverage for other carriers, but he believes that other carriers would be interested in looking at this tower. He also stated that there would be no need to expand the size of the area at the base of the tower if other carriers shared the tower; there would just be more equipment in the 40' x 40' area.

Mr. Grossman presented plans that showed coverage areas using different sites, including existing towers. No other sites provided the coverage objective they are seeking. Dr. Benoit asked if there are any buildings around the site that could be damaged if the tower fell. Mr. Grossman stated that there are no buildings that would be damaged, and also explained that the tower is designed to fold over on itself, not fall over.

**Dr. Benoit made a motion to send a favorable recommendation to the Zoning Board of Review for a special use permit, dimensional variance, and setback variance. Mr. Magill seconded the motion. The vote of the Planning Board was as follows: AYE: Dr. Benoit, Mr. O'Donnell, Mr. Magill, Mr. Czyzewicz. NO: Mr. Santa Anna.**

#### **IV. Planning Board Issues & Concerns**

**Dr. Benoit asked about the recent discussion on proposed zoning ordinance amendment on fences. He wanted to clarify that it was the consensus of the Board that there was no need to amend the ordinance with the proposed changes. He asked what changes had been recommended to the Town Council. Mr. Phillips stated that all mention of hedges were taken out of the proposed amendment, as was all language dealing with notification to neighbors in constructing fences. The recommendation to the Town Council included regulation of sign height and size of lettering, as well as height of fences. The proposed amendment has not been made part of the zoning ordinance and has been tabled until March. Dr. Benoit stated that no vote was taken and no direct recommendation was given by the Board. Mr. Phillips stated he would review the minutes from the last meeting and, if necessary, update the Town Council.**

**Mr. Santa Anna asked about the proposed zoning ordinance amendment on wastewater. Mr. Philips stated that nothing has been**

**decided yet, and the matter will be on the agenda again. He is reviewing a report on alternative systems provided by the cooperative extension, as well as the South Kingstown ordinance.**

**Mr. Magill asked if any decision had been made on moving the historical marker on Eddie Dowling Highway, as part of the Dowling Village development. Mr. Phillips informed the Board that the Town Council has sent letters to the Historical Preservation Commission, Department of Transportation, and the developer stating that they don't want the marker moved. However, the state has jurisdiction over the marker; the Town Council does not.**

**Mr. Santa Anna made a motion to adjourn at 9:32 p.m. Mr. Magill seconded the motion, with all in favor.**

**Respectfully submitted,**

**Angela Pugliese, Planning Board Secretary**