

Present: Chair Joseph Cardello, Bruce Santa Anna, John Flaherty, John Czyzewicz, John O'Donnell. Not present: Ed Magill, Dr. Lucien Benoit, Assistant Town Solicitor Bob Rossi. Also present: Town Planner Michael Phillips

The Chair called the meeting to order at 7:00 PM

I. Approval of Minutes – Sept. 7, 2006, January 18 & February 1, 2007

Mr. Santa Anna made a motion to approve the minutes of September 7, 2006 as corrected. Mr. O'Donnell seconded the motion, with all in favor.

Mr. Santa Anna made a motion to approve the minutes of January 18, 2007. Mr. O'Donnell seconded the motion, with all in favor.

Mr. Santa Anna made a motion to approve the minutes of February 1, 2007 as amended. Mr. O'Donnell seconded the motion, with all in favor.

II. Cardillo – Preliminary Minor Subdivision

Applicant: Joseph Cardillo; Location: 195 Sayles Hill Road;

Assessor's Plat 17 Lot 44

Zoning: RS-40 (Suburban Residential)

Mr. Phillips informed the Board that he had spoken with Mr. Cardillo,

whose attorney was not available for this evening's meeting. Mr. Cardillo is requesting a rather sizable frontage variance and asked to continue the application to a future meeting, most likely the first meeting in April. The Chair stated for the record that he is not the applicant to avoid confusion due to the similarity of the applicant's name to the Chair's name. Mr. Czyzewicz made a motion to continue the application. Mr. O'Donnell seconded the motion, with all in favor. The motion passed 5-0.

III. Ordinance Review – Section 6.12 Wetland & Water body Setbacks

The ordinance review was originally on the agenda as item IV. Mr. Santa Anna made a motion to revise the agenda to make the ordinance review item III and move the capital budget review to item IV. Mr. O'Donnell seconded the motion, with all in favor. Motion passed 5-0.

Mr. Phillips stated that Lorraine Joubert of URI has reviewed the proposed wetland and water body setbacks ordinance and provided comments. In addition to Ms. Joubert's comments, Mr. Phillips provided the Board with copies of ordinances from other towns. He also informed the Board that he has received a letter from attorney Michael Kelly, representing the Rhode Island Builders Association, that opposes the proposed amendments to the ordinance. North Smithfield Assistant Town Solicitor Bob Rossi has informed Mr. Phillips that the town is perfectly within its rights to amend the

ordinance, but advised that they back up the amended ordinance with some kind of preamble that sets out the problem and supports the proposed changes with scientific studies. The ordinance should also make distinctions with more important water bodies, such as drinking water supplies.

The Chair asked Mr. Phillips to clarify whether the proposed 150-ft. buffer would be from the biological wetland, or from the DEM's 50-ft. buffer. Mr. Philips stated that the 150-ft. buffer would be from the flagged biological edge.

The Chair opened the meeting to the public at 7:25 pm. The following members of the public addressed the Board in support of a larger setback: Mary McDonald, former member of the Conservation Commission, Caroly Shumway, and Conservation Commission member Mike Rapko. Ms. McDonald stated that wetlands are very important to the environment and the town and asked the Board to include the importance of the wetlands in their presentation to the Town Council. She also said that she has found through internet research that the 150-ft. setback has been upheld in many cases throughout the country. Ms. Shumway referred to studies that she had previously provided to the Board at the December 21, 2006 meeting. The information included in these studies supports a 150-ft. setback from biological wetlands. She asked the Board to refer to these studies in writing the preamble to the ordinance. Mr. Rapko

also supported the 150-ft. setbacks and asked the Board to use the Comprehensive Plan to back up the larger setbacks. He also stated that soil conditions in the town justify larger setbacks. He stated that the town should not repeat past mistakes (i.e. Cherry Brook). Mr. Rapko also stated that strong buffers will encourage developers to go to conservation development. He also suggested keeping the language in the ordinance simple to get the amendments through, and then revisit it later if necessary.

Mr. O'Donnell asked why it is necessary to include a preamble when other towns do not include one. He asked if North Smithfield is being subjected to a higher standard. Mr. Phillips replied that including a preamble is just to add strength to their position in amending the ordinance. The Chair stated that they should be realistic with the ordinance and make sure that the number they come up with is defensible if it is challenged. He suggested that the size of the buffer be supported with evidence.

Mr. Santa Anna suggested that the ordinance use terminology consistent with that used by the DEM in their regulations and to be sure that the terminology is consistent within the ordinance. Mr. Santa Anna also stated that the ordinance may need to be revisited in the future, because as systems improve with new technology, setback regulations may change. Mr. Phillips added that the effect on the wetlands must be a real detriment in order to justify the setbacks. No unfair standards can be applied. He also stated that the ordinance

includes opportunities for a variance in cases of hardship. He will discuss this more with Ms. Joubert before presenting to the Town Council. He will also work on the preamble and justification of performance standard thresholds. Mr. Flaherty suggested that it will be helpful to do some research that will help with understanding threats to the water supply before writing the ordinance and preamble.

IV. Capital Budget Review

Mr. Phillips and the Board continued their discussion of the town departments' capital budget requests, which were discussed at the February 22, 2007 meeting. Mr. Phillips presented the Board with some amended requests that he had received since the previous meeting.

V. Planning Board Issues & Concerns

There was no discussion under Planning Issues and Concerns

VI. Mr. Santa Anna made a motion to adjourn at 9:45 PM. Mr. O'Donnell seconded the motion, with all in favor. Motion passed 5-0.

Respectfully submitted