

**Present: Chair Joseph Cardello, Bruce Santa Anna, John Flaherty, John Czyzewicz, John O'Donnell, Ed Magill, Dr. Lucien Benoit. Also present: Town Planner Michael Phillips and Assistant Town Solicitor Bob Rossi.**

**The Chair called the meeting to order at 7:00 p.m.**

## **I. Public Hearing – Growth Management Plan, Impact Fee Ordinance and Growth Cap Ordinance**

**Mr. Phillips updated the Board on an issue brought up at previous meeting regarding the Growth Management Plan (February 22, 2007). At that meeting there was a request to refine the student per unit figures. Mr. Phillips and Mr. Shamoon looked at where the town's students are located, and using GIS, came up with a revised figure based on the fact that newer units (built since 1980) have a higher incidence of students. Looking at plats and matching with student addresses supplied by the busing company, they came up with a number of .6299 students per unit for newer housing. Mr. Shamoon thinks that this number is valid. The national figure is .7 students per unit, and this number jibes with the 2000 census for the town. Based on these numbers, the building cap number was amended to 35 units per year, rather than 47. Amendments were made to the Growth Management Plan.**

**Mr. O'Donnell asked how the town would handle applications that go**

over the cap for a year. Mr. Shamoon stated that no application would be denied; they would just be delayed if the cap had been met. These applications would be given the first priority in the next year. The cap would also limit permits to 5 permits per entity per quarter. Mr. Cardello asked if there would be a way to limit the permits by developments, for example in the case of a development with 15 different lots with 15 different owners. In this case, Mr. Cardello asked if there would be any mechanism in place to limit permits per approved subdivision. Mr. Shamoon stated that it may be possible to limit permits geographically, though this would be unusual. There could be language inserted that would address permits in the same subdivision per quarter. Mr. Shamoon added that the growth management plan is attempting to be as fair as possible without being overly burdensome.

Mr. Santa Anna asked if the permits would be given on a first-come first-served basis or in a lottery system. Mr. Shamoon replied that as written, it would be a first-come first-served system and added that this system has not been a problem in other communities. He feels this system is the least complicated and least burdensome. Mr. Shamoon also added that currently the town is not coming close to 35 permits issued per year, but if it is found in the future that this number is overly burdensome, there can be something written into the ordinance that gives either (or both) the Town Council or Planning Board the opportunity to increase the number of building permits issued. Mr. Santa Anna stated that if this system is working in other

communities, he has no problem with it.

Mr. Flaherty asked what the procedures would be for issuing permits for multi-family projects, in which case it would not be possible to stay under 5 permits per entity per quarter. Mr. Shamoon replied that this type of project is usually exempt from the building permit cap because they are usually elderly housing, affordable housing, or have a small number of bedrooms (1 or 2), which usually means that there are no children in these units.

Mr. Czyzewicz asked when the ratio of school children per unit would be updated again. Mr. Phillips stated that they can look at the numbers each year, but they do not anticipate dramatic changes in that ratio. If necessary, however, there will be mechanisms for adjustment.

Dr. Benoit suggested making the cap 36 permits per year, so that it will be divisible by 4, resulting in 9 permits per quarter. Dr. Benoit also is concerned that there could be an influx of school-age children living in low- to moderate-income housing. Mr. Shamoon stated that the town is required to have 10% of its housing classified as low- to moderate-income. Dr. Benoit suggested that if 10% is the requirement, the town should set aside 10% of the permits per quarter for low- to moderate-income housing. That would make 8 permits per quarter plus 1 permit set aside for low- to moderate-income housing. If this permit was not used, it could be issued later to someone else.

**Mr. Shamoon said that he is not sure how this could be implemented. Mr. Phillips said he would research this issue with regard to the comprehensive plan. He stated that once the ordinance is adopted, the Building Official will oversee the issuing of permits.**

**Mr. Santa Anna stated that the cap might be seen as an impediment to low and moderate-income housing. Dr. Benoit stated that at present, until the town's 10% requirement is reached, low- to moderate-income housing is exempt from the cap. Once the 10% is achieved, the exemption is no longer required. Mr. Phillips stated that when the elderly housing on Greenville Road is completed, the town will be at approximately 8%. Based on projections, the number of low- to moderate-income housing units in 2010 will be 492. However, he pointed out that the numbers need to be redone, because at 365 units (after the completion of the abovementioned project), the cap will not even allow for this number to be reached.**

**Mr. Shamoon stated that in section 8G of the Growth Management Plan, he will add in a sentence that states that once the town reaches the required 10%, this item will no longer be exempt. He will also, in section 9A add in a statement that affordable housing has first priority.**

**The Board discussed how large multi-family projects would be handled under the building permit cap. After discussion, Mr. Shamoon stated that though projects such as the mill projects cannot**

be arbitrarily exempted from the building cap, if it can be established that few school children reside in mill projects, maybe they could be exempted. Mr. Rossi stated that the exemption should be based on the actual size of the unit. Mr. Shamoon suggested raising the exemption to units of 1200 square feet, but the Chair thought that 1200 sq. ft. is excessive and would be opening the exemption up to too broad of a field.

At 7:52 p.m., the Chair opened the hearing to the public. Mike Rapko addressed the Board and expressed that he believes that the town benefits from smaller and more affordable housing, therefore it would be in the best interest of the town to encourage smaller houses. In this way, there would be fewer children per unit, and it would keep residents in town. He stated that 2-bedroom houses of 1200-1500 sq. ft. should be exempt from the cap.

Caroly Shumway, chair of the Valley Alliance, addressed the Board and cited some research she has done with regard to the building cap. She stated that the legality of the development cap depends on support. Because the number of building permits issued has reached 35 only 9 out of the last 25 years, she believes that the number is too high. She would like to be sure that the cap is actually doing something and that it is legal and justifiable. Ms. Shumway stated that she feels the Growth Management Plan, as written, is not ready to go to the next step and needs refinement. The Chair stated that he has found some typographical errors in the text of the plan. He

**closed the public hearing at 8:03 p.m.**

**Mr. Phillips said he would consider the issues discussed and try to have Andy Teitz present to answer questions and provide comment at a future meeting, tentatively the second meeting in May 2007.**

## **II. Preliminary Plan Review, Minor Subdivision—Recommendation on Requested Variances**

**Applicant: Joseph Cardillo, Location: 195 Sayles Hill Road, Plat 17 Lot 44, Zoning: RS-40 (Suburban Residential)**

**The Chair stated for the record that though his name is similar to the applicant's name, it is not the same name and he has no relationship with the applicant.**

**Joseph Carroll, attorney for the applicant, addressed the Board. The applicant is seeking a recommendation on dimensional variances that he will be seeking from the Zoning Board of Review. Mr. Carroll asked the Board that, upon Zoning Board approval, the applicant be allowed administrative approval on the minor subdivision preliminary plan. Mr. Carroll reviewed the requests for the Board. The applicant is seeking a 43 ft. frontage variance. Mr. Carroll stated that the development will cause no change to the character of the land. The request complies with all provisions of the town's comprehensive plan. The applicant has submitted the subdivision checklist. Mr. Carroll stated that the development will not impact the line of sight,**

will cause no problems with the entrance or exit, and complies with DEM wetlands regulations.

Erin Gallogly of Marc Nyberg & Associates stated that the ISDS proposal has been completed, but not yet submitted to the DEM. In response to Dr. Benoit's question, Ms. Gallogly stated that because of the proximity to the reservoir, a bottomless sand filter system had been considered. Mr. Phillips stated that he feels that a bottomless sand filter would be appropriate in this sensitive area. Ms. Gallogly stated that because the existing cesspool is working, they do not feel it is necessary to replace the functioning cesspool. They would be willing to install a bottomless sand filter on the proposed lot. In response, Dr. Benoit stated that according to the DEM, cesspools are by definition a failure, and he would like to be proactive in improving lots. The Chair asked about the location of the existing well and if it is within 100 feet of the proposed septic system. Ms. Gallogly stated that she would obtain this information.

The Chair stated his concern with the size of the frontage variance. He stated that 43 feet is a 30% variance, and the area is not designed for more houses. He is concerned with increasing density to an area with improper frontage.

Mr. Magill made a motion to send an unfavorable recommendation on the frontage variance to the Zoning Board. Mr. Santa Anna seconded the motion.

**Vote: Edward Magill, yes; Joseph Cardello, yes; Bruce Santa Anna, yes; John O'Donnell, yes; Dr. Lucien Benoit, no. Motion passed 4-1.**

**Based on the following findings of fact: 1) the proposed development is consistent with the town's comprehensive plan; 2) the proposed development is not in compliance with the standards and provisions of the North Smithfield Zoning Ordinance, as it requires a frontage variance under section 5.5.1 of the zoning ordinance; 3) there will not be significant negative environmental impacts from the proposed development; 4) soils are suitable to support and ISDS on parcel A and on the existing house lot (parcel B); 5) a letter from Ecosystems, Inc. indicates that all work will be outside of jurisdictional wetlands; and 6) all proposed land development and lot will have adequate and permanent physical access to a public street, Dr. Benoit made a motion to approve the petition for Preliminary Plan stage of a minor subdivision, proposed by Joseph and Jacquelyn Cardillo, 195 Sayles Hill Road, Assessor's Plat 17, Lot 44, in a Suburban Residential (RS-40) Zone, with the following condition: The owner/applicant agrees to install ISDS with bottomless sand filter on the existing house lot and the proposed house lot, in recognition of the fact that the lots are located within a drinking water supply watershed. Mr. O'Donnell seconded the motion.**

**Vote: Edward Magill, no; Joseph Cardello, yes; Bruce Santa Anna, no; John O'Donnell, yes; Dr. Lucien Benoit, yes. Motion passed 3-2.**

**Dr. Benoit made a motion to require that the applicant come back to the Planning Board for Preliminary Plan Review with a new plan that includes the bottomless sand filter ISDS. Mr. O'Donnell seconded the motion.**

**Vote: Edward Magill, yes; Joseph Cardello, yes; Bruce Santa Anna, yes; John O'Donnell, yes; Dr. Lucien Benoit, yes. Motion passed 5-0.**

### **III. Request for Referral to Zoning Board – DPR Section 17.3.2**

#### **Special Use Permit for Self-Storage Units**

**Applicant: Darcy Chiulli Realty Trust, 35 Railroad Street, Plat 4 Lot 229, Zoning: Manufacturing District**

**Mr. Phillips informed the board that under the new zoning regulations, there is an option for the Planning Board to vote in favor of an applicant for a special use permit to bring the application directly to the Zoning Board. If the Zoning Board grants the special use permit, the applicant will then return to the Planning Board for the site plan review. This regulation allows for the applicant to resolve the use issue, and then go through the development review process. Given this information, Dr. Benoit made a motion to allow Darcy Chiulli Realty Trust to go before the Zoning Board of Review to seek a special use permit, with the stipulation that the applicant follows up by submitting the site plan to the Planning Board for review. Mr. O'Donnell seconded the motion.**

**Vote: Edward Magill, yes; Joseph Cardello, yes; Bruce Santa Anna, yes; Dr. Lucien Benoit, yes; and John O'Donnell, yes. Motion passed 5-0.**

#### **IV. Review of State comments of Comprehensive Plan Five-Year Update**

**Mr. Phillips informed the Board that he had received comments back from the state regarding the town's Comprehensive Plan. Most of the comments were ones that Mr. Phillips said he had no problem with making the suggested changes, but he did want to discuss one issue with the Board and get their input. The state had an issue with the population density figures as stated in the comprehensive plan (4 units/acre that are served by municipal water and sewer). Various state departments are concerned that this number runs afoul of state land use requirements to have higher population density in these areas. The state is also concerned with how the affordable housing requirements will be achieved if there will only be 4 units/acre in the densest areas of town. Mr. Phillips has researched the plans of other communities, including Burrillville. He stated that Burrillville's plan stays density-neutral and discussed rewording Goal #1 & Goal #2, leaving out specifics of increased density, simply stating that the town will promote increasing density in established villages where public water and sewer are available. The new wording would also state that low overall density would be promoted in areas where**

**public water and sewer are not available, resulting in no extension of infrastructure to these areas.**

**Mr. Flaherty agreed that there is no need for specificity in the comprehensive plan. He also suggested that in achieving greater density in town and village centers, the town may want to consider granting density bonuses that will drive up the value of the land in these areas. The developers who are granted the density bonuses would purchase credits that would be saved in a land bank for open space for the town to purchase. Mr. Flaherty also suggested having ordinances drafted to support the comprehensive plan and balance the town's population density. The Chair, Mr. Santa Anna and Dr. Benoit also supported taking out specific numbers out of the comprehensive plan, so that it could go back to the state for approval. Mr. Phillips stated that even though the specifics could be left out of the language of the comprehensive plan, it is something that will need further discussion at some point. Dr. Benoit asked if these changes need to be reviewed by the Town Council. Mr. Phillips said that he would check with the Town Administrator, but he believes that since they are not major changes and do not affect the any overall goals of the comprehensive plan, he does not think they will need to go before the Town Council for review. He will make sure that this does not violate any state laws regarding public hearings.**

## **V. Ordinance Review – Section 6.12 Wetland & Water Body Setbacks**

**Mr. Phillips informed the Board that further review of the ordinance is planned, and he would like to hold additional discussion of the wetland and water body setbacks ordinance at the April 19, 2007 meeting. He asked the Board if they had any specific questions that he could try to find the answers to before the next meeting. Mr. Czyzewicz asked if there are procedures to measure minimum requirements of advance treatment systems, or if these are just general guidelines. Mr. Phillips will follow up on this with Lorraine Joubert. Mr. Cardello suggested that all numbers in the ordinance be backed up with specific sources, in order to assure that the thresholds are relevant.**

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

**Mr. Phillips updated the Board on the status of the application of Rankin Estates. The developers have a court hearing on April 18, 2007, so they are not ready to reappear before the Board with their application.**

**Mr. Santa Anna made a motion to adjourn at 9:04 p.m. Mr. Magill seconded the motion, with all in favor.**

**Respectfully submitted,**

**Angela Pugliese, Planning Board Secretary**