

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, May 6, 2010, 7:00 PM

Vice Chair Alex Biliouris called the meeting to order at 7:00 pm.

1. Roll Call

Present: Alex Biliouris, Gene Simone, Art Bassett, Dean Naylor, Stephen Vowels. Absent: Scott Gibbs and Joe Cardello. Also present was Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: April 15, 2010

Mr. Simone made a motion to approve the minutes of April 15, 2010.

Mr. Bassett seconded the motion, with all in favor.

3. Request for extension/reinstatement: Pound Hill Estates Major Subdivision

Owner/Applicant: ZYX, LLC (Leo Doire)

Location: 288 Greenville Rd, Assessor's Plat 10, Lot 59,

Zoning: RA-65

Mr. Ericson explained to the Board that ZYX, LLC (Leo Doire) received Preliminary Plan approval for a Major Subdivision on September 4,

2008. No written decision was recorded and Mr. Ericson cannot find one in the paper or digital files. The applicant's attorney and Mr. Ericson agree that this problem can best be solved if a decision is recorded, in order to clear the 20-day appeal period. The applicant can then file a Final Plan.

Another issue that Mr. Ericson found is that it appears the Planning Board granted a waiver to a zoning regulation (meeting the 65,000 sq. ft. of contiguous buildable land). This should be part of the subdivision regulations, but it is not. Therefore, the applicant needs to get a dimensional variance from the Zoning Board. Mr. Ericson will research this issue and advise the applicant on what needs to be done next.

Mr. Biliouris stated that he had read the minutes from the September 4, 2008 meeting and noticed an issue with MBTE and abutting neighbors' wells. He asked about the current status of this issue. Mr. Ericson stated that all testing was completed, but the Board can ask for current testing. Mr. Nadeau stated that the Board has only granted preliminary approval and more testing can be required before final approval.

4. Ordinance review: wind turbines, stone walls, mixed use

Mr. Ericson updated the Board on the activity and discussion taking place in the Ordinance Review Committee. He also explained to the

Board that the ORC is an advisory board for the Town Planner and the Planning Board. The Planning Board reviews the proposed changes to ordinances for content and consistency with the Comprehensive Plan, and then makes recommendations to the Town Council.

a) Wind Turbines:

The wind turbine ordinance was adapted from one that Middletown has used for two years. The ORC added more about the birds and bats. The sound threshold was taken from the Charlestown ordinance, but it will be difficult to defend a noise clause more limiting than our noise ordinance.

The Board also discussed a piece of land that is part of Phase IV of Dowling Village. This land would be a good place for a wind turbine. Negotiations between the Land Trust and Bucci Development are ongoing. There are some issues to be addressed concerning state funding for conservation land with wind turbines, so the Town may purchase the portion of the property for the wind turbine from the Land Trust.

The Board also discussed liability issues related to the wind turbines, especially within the fall zone. Mr. Naylor also expressed concern with noise, stating that while the decibel level may not be very high, it is a constant noise, which may cause problems. Board members requested the actual Middletown ordinance.

b) Stone Walls:

Mr. Ericson stated that ORC member Paul Soares requested an ordinance to deal with stone walls and their removal. Mr. Ericson stated that in Smithfield, stonewalls were being removed and resold (rebuilt in a new town or other property). Mr. Ericson stated that the stone wall ordinance was closely adapted from one adopted last year in Smithfield. Mr. Biliouris stated that he sees this as a property owner issue and it is not necessary to write an ordinance. Mr. Simone agreed with Mr. Biliouris. Mr. Nadeau stated that he feels that it is over-reaching and the proposed fine will not work, since there is no limitation set to the \$500/day fine.

c) Mixed Use

Mr. Ericson stated that the mixed use ordinance has no place to go geographically, since the Phase II sewer plan (Branch Village) remains on hold. However, this ordinance should be submitted informally to the Town Council, because delivery is required for the final \$15,000 payment in a 2008 Rhode Island Planning Challenge grant.

Mr. Vowels made a motion to convey the Mixed Use Ordinance to the Town Council informally, without a request for action. Mr. Naylor seconded the motion, with all in favor.

5. Planning Update: Review of current events

Ordinance Review Committee: New members have been appointed to the committee. There are 3 members of the public and 4 representatives from town boards.

The school energy savings contract has gone to the Rhode Island Department of Education for approval. The Town's request for competitive ARRA energy funding includes more than \$400,000 to buy down the Johnson Controls energy services contract.

Mr. Vowels made a motion to adjourn at 7:55 pm. Mr. Simone seconded the motion, with all in favor.