

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, May 20, 2010, 7:00 PM

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

1. Roll Call

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

2. Approval of Minutes: May 6, 2010

Mr. Vowels made a motion to approve the minutes of May 6, 2010. Mr. Naylor 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 informed the Board that although the applicant received Preliminary Plan approval for a Major Subdivision on September 4, 2008, no written decision was recorded, nor can one be located in the

paper and digital files. The Planning Department secretary, Bobbi Moneghan has searched the Town Council minutes between 1999 and 2008 and did not find any mention of a change in zoning during that time, so in that case the 1999 Zoning Ordinance would be in effect for this application. This means that the Planning Board erroneously granted a waiver of a zoning ordinance and the applicant will have to obtain a dimensional variance before Final Plan approval.

Mr. Ericson will write and record a decision, as was intended by the Board, with the condition made in that decision. This will be done in order to clear the 20-day appeal period. The applicant can then file a Final Plan without risk.

Mr. Ericson also informed the Board that Preliminary Plan approval is vested initially for two years (in this case until September 4, 2010), and the newly enacted tolling law extends that until June 30, 2011. No extension or reinstatement is required.

Mr. Gibbs asked about the issue concerning VOC's on the property. Mr. Ericson stated it was brought up at the application because an abutter raised the issue. Mr. Gibbs asked if there is anything in the subdivision regulations that requires testing on this issue, as it appears to be more of a financing issue. Mr. Ericson stated that the Board can ask for current testing because it was previously brought up in testimony.

4. Ordinance reviews: wind turbines, parking and loading, lighting

a) Wind Turbines

The Board discussed the proposed wind turbine ordinance. The Board reviewed the ORC's recommended ordinance, as well as the ordinance that Middletown has used for two years. Mr. Ericson also stated that he would add in permission for two logos on the turbine head (one on each side), which would greatly increase the iconic and advertising value of the turbine.

Mr. Ericson stated that this is a timely matter, because the Land Trust has expressed interest in buying 42 acres of Dowling Village Phase IV land for conservation purposes, using a \$400,000 DEM award to pay for up to half the cost. Siting a wind turbine of 1 megawatt or more could help subsidize a lower land cost and pay for debt service on any Town bond money expended.

The Board discussed the ordinance submitted by the ORC in detail, and focused on the fall zone requirements. The ORC has suggested a fall zone of 1.75 times the height of the turbine, but Mr. Ericson stated he feels that this requirement is excessive and would probably render most sites incapable of supporting a wind turbine. Mr. Ericson stated that a fall zone of 1.25 times the height of the turbine is adequate.

Mr. Vowels asked what the procedures for approval of a wind turbine would be. He asked why Dowling Village is being discussed as a

proposed site and whether the Woonsocket Hill site has been considered. Mr. Ericson stated that because of the discussions between the Land Trust and the developers of Dowling Village. He also stated that the Woonsocket Hill site is not feasible at this time, due to the fire tower and that the site is too small to hold a wind turbine of any beneficial size (.6 megawatt at most would fit on the site). He did say that it may be possible to renegotiate in the future, but at this time that site is not on the radar.

The Board also discussed noise, but Mr. Ericson stated that the noise is a whooshing sound that is not much higher than ambient levels. The Board also addressed the case in which a wind turbine would no longer be in use. In that case, the turbine would need to be taken down at the owner's expense.

After their discussion of the drafts of the ordinance (the one submitted from the ORC and the Middletown ordinance), the following motion was made by Mr. Naylor:

The Planning Board appreciates the work done by the Ordinance Review Committee to date in researching source materials and providing a general concept. We agree that the Middletown ordinance is a good basis for an ordinance; however, we have chosen to stick more closely to the Middletown version. We vote to recommend this version of the wind turbine ordinance to the Town Council, with instruction to the Planner to speak at length with

Middletown regarding their experience with this ordinance. Additionally, a vote for recommendation is in no way a vote endorsing the location of a wind turbine at Dowling Village.

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

The Chair made an additional statement that he would like to make it clear that any applications for the location of a wind turbine at Dowling Village must come before the Planning Board as an application for a modification to the Master Plan. He does not appreciate that the Land Trust and the developers of Dowling Village are already in discussion and negotiations, assuming that the Planning Board will grant this modification. He will not have the Planning Board painted into a corner on this issue, as it gets to the heart of the principals on which Dowling Village was approved (mixed use zone).

b) Parking and Loading

The Board discussed the draft of the parking and loading ordinance. Mr. Ericson highlighted the differences between the existing ordinance and the proposed changes, line by line. The main issue brought up was that the Board feels that parking should be related to square footage of the building, rather than the number of employees.

c) Lighting

The Board will review the proposed changes and discuss it at a future

meeting.

5. Subdivision and Land Development Regulations: Suggested revisions

Mr. Ericson stated that the Board should start looking at the regulations and submit proposed changes or revisions to him for discussion in the near future. One of the issues that Mr. Ericson raised was the need for a waiver on internal angles over 200 degrees. This is something that could be handled administratively. Another issue was the need for standards for detention ponds. The Chair also brought attention to the need for a technical review committee. A final issue was to revise the section that offers applicants the choice to go to the Zoning Board for a Special Use Permit before going through the application process with the Planning Board. Mr. Ericson will rewrite this to make sure this is only offered in rare circumstance when that route would be justified.

6. Planning Update: Review of current events

Mr. Ericson informed the Board that he applied for \$422,000 in the May 7 ARRA competitive energy grant offered by the RI Office of Energy Resources. It allocated \$1.6 to the 10 largest municipalities and \$1.3 million to the other 29. The \$422,000 represents the entire JCI contract net cost (after rebates) for town services buildings.

Mr. Vowels made a motion to adjourn at 8:50 pm. Mr. Simone seconded the motion, with all in favor.