

Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, February 16, 2012, 7:00 PM

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

1. Roll Call

Present: Chair Dr. Lucien Benoit, Alex Biliouris, Dean Naylor, Mali Jones, Gene Currie. Absent: Art Bassett, Gene Simone. Also present was Town Planner Bob Ericson.

2. Approval of Minutes: February 2, 2012

Mr. Currie made a motion to defer the approval of the minutes of February 2, 2012 in order to give the members of the Board adequate time to read and review them. Ms. Jones seconded the motion, with all in favor.

3. Michael Bell Major Subdivision: Master Plan with Public Hearing

Owner/Applicant: Michael R. Bell

**Location: Green Street , Assessor's Plat 2, Lot 49, Zoning: RU-20
Urban Residential**

Mr. Ericson reviewed the applicant's request. Mr. Bell had previously

appeared before the Board for a pre-application discussion. The applicant is back after receiving the required variances from the Zoning Board of Review. The request is to subdivide a lot that currently holds two residences in order to have only one house per lot. That would benefit of the Town and all parties. The Zoning Board approval required demarcation in the driveway to clearly mark each lot and recommended a cobblestone demarcation as the Planning Board had. Railroad spikes were put in recently when the driveay was repaved Mr. Ericson also suggested painting a light grey stripe to separate the driveways, because it was too late for cobblestones or Belgian blocks.

Norbert Therien of National Land Surveyors Developers, Inc. was present for the applicant. He stated that Zoning Board of Review voted unanimously to grant the requested variance. Nothing in the plan has changed since the pre-application meeting. He confirmed that the utilities for the residences are completely separate.

Mr. Currie asked about the additional parking in the plan. Mr. Therien stated that the existing pavement accommodated the additional parking, so there is nothing be added.

Mr. Ericson asked about the house numbers and whether Mr. Therien would like an additional house number. Mr. Therien agreed to the numbers 96, 98, 102, and 104 for the two residences. He also confirmed that the 96-98 house will be converted from a 3-family to a

2-family dwelling and agreed that on the Final Plan it will be shown as a 2-family and will so remain.

The Chair opened up the public hearing, but there was no one present to comment on the application.

Mr. Ericson explained that the only reason that this is a Major Subdivision is that it required a variance. He stated that the Board may exempt the applicant from all requirements beyond what is required for a minor subdivision, including application fees exceeding \$1000. He suggested the Board make a motion that the applicant pay no more than what they would have for a Minor Subdivision application. The Chair stated that the request appears to be reasonable due to the fact that there will be no roads or new infrastructure, and fees should reflect actual costs of review.

Mr. Biliouris made a motion that the Planning Board will allow Mr. Bell to pay no more than Minor Subdivision fees throughout the process. Mr. Currie seconded the motion, with all in favor.

Mr. Biliouris made a motion that the Planning Board agrees to a waiver of all requirements beyond that of a Minor Subdivision, except those required by state law. Mr. Currie seconded the motion, with all in favor.

Mr. Biliouris made a motion to approve the Master Plan of Michael

Bell at 96-98 and 102 Green Street, Plat 2, Lot 49. Mr. Currie seconded the motion, with all in favor.

Mr. Ericson stated that the applicant would like to return on March 22, 2012 for the public hearing for the Preliminary Plan and then request that the Board delegate the Final Plan administratively. Mr. Therien agreed to change the spelling to Green Street (take off the e at the end), state the conversion of the 3-family home to a 2-family home, list the second 2-family as numbers 102 and 104 Green Street, and make the delineation of the property line along the driveway so that it is visible after dark.

Mr. Biliouris made a motion to close the public hearing. Mr. Currie seconded the motion, with all in favor.

4. Land Development and Subdivision Regulations: Discussion of possible LD&SR revisions: Article V: Design Standards

The Board held an informal discussion focused on Section 17 of the Zoning Ordinance and Article 5 of the Land Development and Subdivision Regulations. The sections contain very similar illustrations, but the content is not the same. Mr. Ericson passed out documents illustrating the regulations the Planning Board needs to follow in its decision-making (RI General Law, Town Charter, Code of Ordinances, Zoning Ordinance, Town Comprehensive Plan, Land Development and Subdivision Regulations). They also discussed the

differences between shall, should, may and might, and how the subjunctive use of the verbs conveys an ambiguity in interpretation. There is also further ambiguous language, such as the phrases "strongly discouraged" and "should strive." Such language allows for varying interpretations of the ordinances.

Mr. Currie suggested that the Board go through the document in MS Word and make changes in another color to make them stand out for other Board members to review. The Board agreed to look for potential changes to the documents to be discussed at a future meeting.

5. Training Session: Reading and writing zoning ordinances

Mr. Ericson pointed out that many regulations are listed in both the Zoning Ordinance and the general ordinances of the town. Over the years, the documents have been revised and now there are places in the Zoning Ordinance that refer to state laws that have been repealed. Cross references between the general ordinance and zoning ordinance may be wrong. There are other updates that are required, such as changing ISDS to OWTS. Mr. Ericson stated that the proper way to reference state law is in the abstract and to never specify a set of regulations unless adding "as updated."

Mr. Biliouris asked what differences there are between the LDSR and state regulations. Mr. Ericson replied that the state laws describe

procedures (vesting, votes, quorum requirements, etc.) and not design requirements. He added that 2/3 to 3/4 of the LDSR were written by the Town and are not included in state law. He asked the Board to review the documents and submit questions to the Planner.

6. Planning Update: Review of current events

The Board briefly discussed the status of the wind turbine at Dowling Village. Mr. Ericson stated that it is still being discussed. He added that there is a tax exemption ordinance in the works for wind and solar power systems above 490 kW.

The Chair asked about the status of a gravel ordinance. Mr. Ericson stated that he has written one that Mr. Nadeau is reviewing before it is submitted to the Town Council. He stated that there are very viable solutions and he is trying to get something serious on the table for the Town Council. He added that aggregate extraction can bypass zoning regulations. The Chair requested a copy of the proposed ordinance for the Board to review. The Board also requested copies of the Minnesota ordinance that was used as a model ordinance, as well as the impasse ordinance that was written last year. Mr. Ericson will get copies of all three for the Board.

The March meetings will take place at Kendall Dean School on March 8 and March 22 at 7:00 pm.

Mr. Biliouris made a motion to adjourn at 8:10 pm. Mr. Currie

seconded the motion, with all in favor.

Submitted by Angela Pugliese (3/1/12)