

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, September 3, 2015

The Chair called the meeting to order at 7:05pm.

Roll Call: Present: Lucien Benoit, Scott Lentz, Dean Naylor, Gary Palardy and David Punchak. Absent: Dinna Finnegan and Cynthia Roberts. Also in attendance were Town Planner Robert Ericson and Assistant Town Planner Bobbi Moneghan.

Disclosure: This is where anyone can disclose potential conflicts on matters before the Planning Board.

Chairman Naylor disclosed that his nephew is employed by Joe Casali Engineering Inc., the engineer on a project before the Planning Board. Mr. Naylor said he consulted with the town solicitor and they believe any decisions the Chairman makes will not have any monetary value to himself or his nephew. There were no objections.

Minutes: The board reviewed the minutes July 16, 2015. Minor changes were recommended. Dr. Benoit made a motion to accept the minutes of July 16 as amended, seconded by Mr. Palardy with all in favor (5-0).

Decisions: Harold Morris Subdivision Preliminary Plan Decision. Minor changes were recommended. Mr. Lentz made a motion to

approve the decision as amended. Mr. Palardy seconded with all in favor (5-0).

Subdivision Rescission Hearing and Decision: Administrative Subdivision for Daniel & Douglas Keene at 313 Grange Rd, Plat 12, Lots 62 & 63, dated April 23, 2014.

Mr. Ericson explained the history of the administrative subdivision and the reason for the rescission. In April 2014 Mr. Ericson received the plans for the administrative subdivision from surveyor Marc Nyberg combining lots 62 and 63. When an administrative officer receives plans from a licensed surveyor, they are taken at face value. Mr. Ericson believed both properties were owned by the Keene family as was indicated on the application. RIDEM issued a permit and the septic system was installed. When the Town received complaints regarding the possible desecration of the Wilkinson Cemetery and questions of ownership, Tax Assessor David Dolce suggested an extensive title search. That search did not identify Primrose Grange as owner of lot 62. Because of this finding, the Administrative Subdivision is being rescinded and the Keene's have submitted a letter requesting rescission. Mr. Ericson will notify the RIDEM that the subdivision has been rescinded.

Mr. and Mrs. Gardner, owners of property at 15 and 5 Rocky Hill Rd asked to be heard. They submitted a letter addressed to the North Smithfield Planning Board and read it to the Board. Dr. Benoit pointed

out that this is not a public hearing and therefore the Board should not be discussing the contents of the letter. Mr. Lentz agreed. Chairman Naylor told the Board that they are addressing the issue of rescission only. Dr. Benoit made a motion to rescind the Administrative Subdivision for Daniel & Douglas Keene at 313 Grange Rd, Plat 12, Lots 62 & 63, dated April 23, 2014 and to notify RIDEM of the rescission. Mr. Lentz and Mr. Palardy seconded. Roll call vote. 5-0 affirmative to rescind the subdivision.

Major Land Development Preliminary Plan: University Orthodontics
Applicant: Bryan Beagan, DMD of Beagan Dental PC d/b/a University Orthodontics

Location: 947 Victory Highway. Assessor's Plat 1, Lot 241.

Zoning: BN (Neighborhood Business)

Mr. Casali presented a power-point presentation to orient the Board to the project. Mr. David Corrente, architect for the project, was available for questions. Mr. Casali explained the site, the 3000 square foot building, the appropriate setbacks and the wetlands. He spoke about the drainage and indicated that the plan has not changed from Master Plan. Dr. Beagan is moving his office from another site in North Smithfield to this site. The parking requirements are being met, and it meets ADA requirements. There is 40 % impervious surface. The water is coming from a public well located near the site. The sewer will be connected to the Town's sewer.

Drainage will be handled by BMPs and ultimately go through sand filters. Permits have been filed with RIDEM and RIDOT. Applications have been filed with town building official/sewer authority. Chairman Naylor asked about contamination of the soil. Mr. Casali said that the site was not checked for hazardous material, but the applicant did have an environmental study done. Mr. Casali told the Board that he would report information back to them regarding contamination if it is an issue in Phase I. Mr. Ericson said that there may be nothing in the Phase I testing that would require Phase II testing. He added that the nearby Navigant site had contamination specific to a greenhouse use. Dr. Benoit asked about contamination in the water and Mr. Casali responded that they will be identified by engineers for RIDOH.

Because the agenda did not indicate that this was a public hearing the Board could not vote on the approval of the preliminary plan. Mr. Lentz made a motion to continue this item to the September 17, 2015 Planning Board meeting. Mr. Palardy seconded with all in favor.

**Development Plan Review: Smart Technologies Solar Array Project
Applicant: Joseph W. Higginbottom, Jr. Location: East end of
Christiansen Way
Assessor's Plat 5, Lot 354 Zoning: M (Manufacturing)**

Mr. Ericson pointed out two minor errors in the application materials. Present for the applicant were Attorney Robert Stolzman, Engineer Marc DeBlasio, PE, Vice President of Remington, Vernick & Walberg

and Russell Maymon, Vice President of Business Development at Tecta Solar. Using a diagram, Mr. Stolzman explained the configuration of the solar panels on the property on Christiansen Way. The project is a ground mounted solar photovoltaic installation, 1.04 MW, small to medium size. Photographs of the site were entered into the record as Exhibit 1.

Mr. DeBlasio addressed the Board and his resume was entered into the record as Exhibit 2. There was much discussion about the abutting properties. Mr. DeBlasio noted that the site will be fenced in and mostly surrounded by trees. Mr. DeBlasio described how runoff will be handled. The arrays will utilize four acres and connect to the Grid. The electricity goes directly to the Grid and then is sold to customers. Mr. Ericson asked about the cost of removing the equipment after it has reached its useful life. Mr. Stolzman said he will provide an estimate to the Planning Board.

Mr. Ericson stated that this project is subject to Zoning Board approval. Mr. Stolzman said the applicant has applied for a special use permit and they are asking for a positive recommendation to the Zoning Board.

Dr. Benoit made a motion to approve the preliminary plan of Smart Technologies Solar Array Project, applicant Joseph W. Higginbottom, Jr., location: East end of Christiansen Way, Assessor's Plat 5, Lot 354, Zoning: M (Manufacturing) with the following conditions:

- **RIDEM wetlands approval and permits**
- **Provide estimated cost of decommission and amount of surety provided**
- **Subject to Zoning Board approval**

Mr. Palardy seconded. Roll call vote Aye: 5, Nay: 0. Motion passed 5-0.

Mr. Lentz motioned to send a positive recommendation to the Zoning Board for any zoning board approvals required. Dr. Benoit seconded. Roll call vote Aye: 5, Nay: 0. Motion passed 5-0.

Development Plan Review: Oxford Road Solar Development
Applicant: Energy Development Partners, LLC
Location: Pound Hill & Oxford Rds Assessor's Plat 7, Lot 9
Zoning: RRC (Rural Residential Conservation)

Present for the applicant are Attorney John Pagliarini Jr., John Benevides, engineer with Woodward and Curran and Mr. Frank Epps, owner of Energy Development Partners, LLC. The 7.5 acre site will provide 2.5 MWs with 8,400 panels. The electricity will be sold directly to the Town and provide significant savings. The site is in poor condition, runoff from the site will be improved from current conditions and drainage will be improved with revegetation. The applicant will be leasing the land for 25 years from the present owner,

Energy Development Partners, LLC.

Decommission would cost approximately \$100,000 per MW, and there will be a bond for decommissioning. Much discussion ensued concerning the configuration of the site, other projects completed by the owner and questions about the existing landfill.

Mr. Palardy made a motion to approve the development plan review of Oxford Road Solar Development, applicant: Energy Development Partners, LLC, location: Pound Hill & Oxford Rds Assessor's Plat 7, Lot 9, zoning: RRC (Rural Residential Conservation) subject to the following conditions:

- Zoning Board approval**
- RIDEM permits issued**
- Estimates of decommissioning**

Mr. Punchak seconded. Roll call vote Aye: 5, Nay: 0. Motion passed 5-0.

Proposed Zoning Amendment: Section 5.7 c2, Ground-mounted solar photovoltaic installations.

When the zoning ordinance was adapted from Burrillville, the clause limiting solar farms to General Commercial districts by Special Use Permit was overlooked. This small amendment corrects that error.

Mr. Lentz made a motion to find zoning amendment Section 5.7 c2, Ground-mounted solar photovoltaic installations consistent with the Comprehensive Plan. Mr. Palardy seconded. Roll call vote Aye: 5, Nay: 0. Motion passed 5-0.

Adjournment: Dr. Benoit made a motion to adjourn at 9:45 pm, seconded by Mr. Palardy, all in favor.

Submitted by Bobbi Moneghan on September 2, 2015

Approved by the Planning Board on September 17, 2015.