

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, May 11, 2016

The Chair called the meeting to order at 7:02 pm.

1. Roll Call: Present: Dean Naylor, Scott Lentz, Gary Palardy and Dinna Finnegan. Lucien Benoit, Michael Fournier and David Punchak were absent. Also in attendance were Town Planner Robert Ericson and Town Solicitor David Iglizzi.

2. Disclosure: There were no disclosures.

3. Decisions: Old Smithfield Road Wind Energy Preliminary Development Plan Review decision.

Mr. Ericson and Chairman Naylor explained that the Planning Board already voted approval. This agenda item is for approval of the decision document.

Chairman Naylor explained the process of Development Plan Review following the process of a Minor Subdivision with no public hearing. Mr. Ericson said the Planning Board has limited jurisdiction, suggesting the Planning Board has 20% of the control and the Zoning Board of Review has 80% of the control.

Mr. Ericson said the Zoning Board of Review process begins with a public hearing on May 24. If there is an appeal, that will take precedence over the Special Use Permit hearing. Mr. Iglizzi noted that the Planning Board made a preliminary decision.

In review of the decision document, Ms. Finnegan made several typographic and grammatical corrections. Mr. Ericson made one typographic correction. Ms. Finnegan moved to approve the Old Smithfield Road Wind Energy preliminary development plan decision as corrected. Second by Mr. Palardy with a roll-call vote, all in favor (4-0).

4. Minutes: Mr. Ericson noted that Ms. Moneghan has already made the typographic and grammatical corrections noted at the previous meeting. Mr. Ericson said he would incorporate the findings content of the decision into the minutes. Mr. Iglizzi thought it was important to approve the minutes as revised and corrected in order to complete the record that will be part of an expected appeal process.

Ms. Finnegan moved to accept the April 7, 2016 minutes as revised and corrected. Mr. Palardy seconded with all in favor (4-0).

5. Planning Update: Mr. Ericson explained that anyone can speak at Good & Welfare before the next Town Council meeting and ask that the moratorium agenda item be moved up, because the Town Council may not get to it where it is currently located on the agenda.

Mr. Igliozzi said the moratorium would be a zoning amendment that requires advertising and two hearings, so it would require 4-6 weeks. Mr. Ericson reiterated that if the appeal came before the scheduled May 24 Special Use Permit (SUP) hearing, it would take precedence over the SUP hearing.

Mr. Naylor noted that on April 7, he would have opened the discussion to members in the audience. Mr. Lentz and Mr. Ericson attested that this has consistently been the case. Mr. Palardy said that this was the simplest form of review, and that was all the discretion the Planning Board had.

Mr. Ericson said that if we had a wind turbine ordinance, we would have followed a completely different process. We have a solar ordinance but not a wind ordinance. The Town Council created an Ordinance Review Committee to write a wind turbine ordinance. They never completed it. When the committee was recreated, the wind turbine ordinance was not on their agenda of things to do. That put this PB at a very serious limitation as to what they can do in this case.

Chairman Naylor explained that the state requires five tests, and the decision was conditional on getting ZBR approvals to meet one of the tests. He emphasized that this was not a “done deal.”

Someone in the audience asked if anything they said on April 7 would have changed anything. Mr. Naylor gave an example of a case where additional information changed a plan. Mr. Ericson discussed the concept that everyone is an expert in their own personal experience and provided an example of someone providing personal historical information about a site. Chairman Naylor explained the process to date, the process ahead and opportunities for public hearings.

Discussion ensued clarifying and reiterating concepts.

6. Adjournment: Ms. Finnegan moved to adjourn, second by Mr. Palardy with all in favor.

Submitted by Robert Ericson on May 26, 2016

Approved by the Planning Board on June 2, 2016