

Town of North Smithfield Ordinance Development Committee

January 12, 2012 7PM

Primrose Fire Station

Providence Pike, N. Smithfield, RI 02896

January Monthly Meeting

Minutes

1. Call to order: The meeting was called to order at 7:02 PM by Vice Chairman Benoit

2. Roll call: Members present were Dr. Benoit, William Juhr, Dr. Shumway, Paul Soares, Al Puccetti, and James Brennan. Town Planner Bob Ericson arrived at 7:06 and Chairman Zwolenski at 7:12. Mr. John Flaherty of the Economic Development Committee joined the Committee for the second half of the meeting.

3. Acceptance of the minutes from December 14, 2011 was moved, seconded corrected editorially and passed unanimously. [Puccetti/Shumway]

4. Reports

a. Mr. Zwolenski noted that the SWPPP ordinance is up for a second reading before the Town Council. The OWTS ordinance is still in open hearing. Dr. Shumway is scheduled to meet with Mr. Marcantonio prior to the TC meeting to discuss the issues involved.

b. Planner Ericson noted that the ODC is a self sufficient committee and must provide its own services to allow it to effect its work and to

bring its recommendations to the Town Council. All proposed ordinances coming from the ODC shall be reviewed by the Committee in its final, legal form before being sent to the Town Clerk. This can be done electronically and in all cases, each member with a concern will communicate directly only with the secretary, in deference to the Open Meetings Law. After 48 hours, with silence considered affirmation, the secretary, if there are no significant objections, will forward the ordinance to the Town Clerk with a request that it be put on the Council's agenda at the next possible time. It is not the responsibility of the Committee to have the proposed ordinances reviewed by the Town Solicitor. It was noted that he is not empowered to change the ordinance as submitted, but simply advise the Council should he see legal concerns with it as it is written. Communications could also be sent to the Chairperson of the Town Council summarizing the importance of the matter. The Office of the Planner will provide what technical and consultatory assistance that it can, but is not responsible for the clerical aspects of the Committee's work. He stressed that this is in the resolution enabling this committee and has been the case since the ODC's first meeting in April of 2011. He directed the secretary, on the advice of the Town solicitor, to send all minutes to the Secretary of State as well as the Town Clerk once the minutes are approved. All correspondence should be compatible with MS Word, 2003, or earlier. The Planner should be copied for entry into the repository. In reference to the Parking and Loading and Lighting ordinances, Mr. Ericson is happy to see them together in Section 6 of the Zoning Ordinance with

Lighting following Parking and Loading. He considers the Commercial Lighting section developed by the ORC as adequate and that any reference to residential lighting should be a “one liner” and in the Land Development regulations.

i. It was moved, seconded, discussed and passed unanimously to change the order of the agenda to allow consideration at this time of the Parking and Loading Ordinance and the Lighting Ordinance.

[Brennan/Shumway]

ii. It was moved, seconded, discussed and passed unanimously that the struck out lighting section in the proposed Parking and Loading Ordinance be removed in its entirety. [Brennan/Shumway]

iii. It was moved, seconded, discussed and passed unanimously that the final revision of the proposed ordinance for Parking and Loading include the signature page for the TC members. Back ground- this is required on all final revisions for legal reasons according to the Planner. [Brennan/Shumway]

iv. It was moved, seconded, discussed and passed unanimously that Section 6.16, Off Street Loading Requirements, be renumbered 6.15.3. Back ground: this puts all the parking regulations in the 6.13- 6.15 sections and leaves section 6.16 for the upcoming Lighting Ordinance. [Brennan Soares]

v. Editorial change: 6.13.2 change Commercial to all lower case. Passed by general consent

vi. It was moved, seconded, discussed and passed unanimously that the Parking and Loading Ordinance be numbered consistent with the present ZO rather than according to the proposed numbering system

accepted by the ORC in January 2009. Back ground: This will limit possible confusion.

vii. It was moved, seconded, discussed and passed unanimously that the reference to the Lighting ordinance in 6.15.2.5 be eliminated. Back ground: at this point there is no Lighting Ordinance proposed and if one is developed it may be placed in the section immediately following this ordinance at Section 6.16.

viii. It was moved, seconded, discussed and passed that 6.15.1, Commercial Uses, Retail and service business 20,00 square feet or more be amended by substitution as follows: “Retail and service business 20,000 square feet or more: four three parking spaces per one thousand [1,000]square feet of use floor area” [Shumway/Soares] 5 to 1 vote, Dr. Benoit in opposition.

ix. It was moved, seconded, discussed and passed that section 6.15.1 be amended by substitution as follows: Commercial Uses, Retail and service business less than20,000 square feet: 3 2 parking spaces per one thousand [1,000] square feet of use floor area [Juhr/Shumway] Vote 5-1, Dr. Benoit in opposition.

x. It was moved, seconded, discussed and passed to refer the amended Parking and Loading Ordinance to the Town Council. [Brennan/Soares] Vote 4-2, Dr. Benoit and Mr. Puccetti in opposition.

5. Mixed Use Ordinance

a. Mr. John Flaherty led a discussion on the Proposed new districts, MU1 and MU2. He noted that the Proposed Mixed Use Ordinance is currently before the Town Council and the Branch River plan has

been mapped for submission to the Council. However, the Branch River project cannot move forward until the Town creates the MU1 and MU2 districts and this cannot be done until these districts are fully defined in the District Use Tables which are undergoing significant changes in multiple areas.

b. It was moved, seconded, discussed and passed that the Town Council be advised that the ODC favors the creation of the MU1 and MU2 districts, acceptance of the Branch River map, and passage of a Mixed Use Ordinance. [Benoit/Shumway] Vote: 5-1, Mr. Jühr in opposition. Mr. Jühr preferred not to support an ordinance that neither he, nor the Committee, had received and reviewed.

6. Dr. Shumway distributed the latest version of the Groundwater Aquifer Protection Overlay District map and revised Ordinance.

7. It was moved, seconded and passed unanimously to adjourn at 8:56 PM [Shumway/Benoit]