



MEETING AGENDA

Town of North Smithfield Planning Board

Meeting Date: Thursday, April 14, 2022

Time: 7:00 p.m.

Location: North Smithfield Town Hall
Town Council Chambers
83 Greene Street
North Smithfield, RI 02896

The meeting will be livestream. Please join the meeting (viewing only) from your computer, tablet, or smartphone by clicking on this link:

https://www.youtube.com/channel/UCFgw5KxL950ZgZ_DKz8B-MQ

or go to the North Smithfield YouTube page - North Smithfield Town Meetings.

PARTICIPATION FOR THIS MEETING WILL BE IN-PERSON ONLY.

Documents related to the meeting will be posted on the Planning Department's page of the Town's website on Monday, April 4, 2022.

Item 1

Call to Order

Item 2

Roll Call

Item 3

Minutes

Review and approval of the February 24, 2022, meeting minutes.

Item 4

Disclosure

Planning Board members shall disclose potential conflicts on matters before the Planning Board.

Item 5

Disclosure & Notice:

Planning Board members shall disclose any ex parte communications about any contested or material adjudicatory facts or opinions concerning the merits of any application before the Planning Board.

Item 6

Declaration of voting members

Item 7

Public Hearing

Major Land Development Project

Old Louisquisset Condos

Location: 30 Old Louisquisset Pike
Assessor's Plat: 13
Assessor's Lots: 111, 123 & 143
Applicant: BB/WW Properties, LLC.
Zoned: Business Highway BH
Area: 5.98 Acres
Number of lots: 3
Engineer: DiPrete Engineering

The applicant is requesting preliminary approval to construct a 30-unit residential condominium including six (6) LMI units on three lots totaling 5.98 acres on an existing Town road in a Business Highway (BH) zoning district.

Planning Office Findings

The Planning Office finds the proposal to be generally consistent with Article 1.1 "Purpose" of the Towns Land Development and Subdivision regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
Housing Chapter Goal 1. Achieve a diversity of housing opportunities that are affordable for the various population groups in North Smithfield for both current and future populations.
Housing Chapter Goal 3 Meet and maintain the 10% threshold of affordable units maintained by the Low/Moderate Income Housing Act.
- 2) In compliance with the standards and provisions of the Town Zoning Ordinance. Having received a SUP from the Zoning Board of Review in 2004 & 2005 authorizing a "mixed use development" known as Dowling Village inclusive of the subject property.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate physical access to a public street.

Planning Office Recommendation

The Planning Office recommendation is to approve the preliminary plan with the following stipulations:

- 1) That the developer shall pay for the purchase and installation of (2 to 3) speed limit signs for Old Louisquisset Road upon the Town determining the appropriate speed limit.
- 2) That the developer shall receive formal written approval from National Grid approving alteration of the easement area to allow regrading and construction and installation of a retaining wall, parking lot, associated drainage, lighting, and other related appurtenances.
- 3) That the developer shall comply with the requirements for establishing low and moderate income (LMI) housing, including but not limited providing a minimum twenty percent (20%), or a minimum of six (6) residential units of LMI housing in full compliance with North Smithfield Code of Ordinances, Article III, “Municipal Subsidy Program for Low and Moderate Income Housing” and RIGL 45-53 the “RI Low and Moderate Income Housing Act” as a condition of final approval.

Planning Board Vote

Gary Palardy, Chairman	Yes	No
Jeffrey Porter, Vice-Chair	Yes	No
Michael Fournier	Yes	No
Richard Keene	Yes	No
David Punchak	Yes	No
Roland Menard (Alt.)	Yes	No

Item 8

Public Informational Meeting

Major Land Development Project

Pomham Solar

Location:	0 & 850 Iron Mine Road
Assessor's Plat:	16
Assessor's Lots	18 & 19
Applicant:	Islander Solar, LLC.
Zoned:	Rural Agricultural (RA)
Area:	22 Acres+
Number of lots:	2
Engineer:	ESS Group, Inc.

The applicant is requesting Master Plan approval to establish a 2.8 MW ground mounted photovoltaic solar facility and associated equipment in a (RA) Rural Agricultural zoning district. The proposed development is located on a 22-acre land locked parcel with proposed access via driveway easement through an abutting nonconforming residential property with less than the

required frontage, located at 850 Iron Mine Hill Road, zoned Rural Agricultural (RA).

Planning Office Findings

The Planning Office finds the proposal to be generally consistent with Article 1.1 “Purpose” of the Towns Land Development and Subdivision regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.

Energy, Natural Hazards & Climate Change Chapter Policy 1.b. Promote environmental sustainability through reduction of greenhouse gasses.

- 2) Not in compliance with the standards and provisions of the Town Zoning Ordinance. The proposed development requires the following zoning relief to be issued by the ZBR:

- 5.7.5(d)(1) less than 100’ setback from the northerly property line. ***Proposed northerly setback in 50’.***
- 5.7.5(k) utility connection “...shall be installed underground on the subject property.” ***Connection is underground within the fenced area then above ground via utility poles. Easement will be required across the abutting residential house lot.***
- 6.2 Street access – all structures shall be located on a lot that abuts an improved public street. ***Lot to be developed is land locked with no frontage to a public street; proposed access is via an access easement across a residential house lot.***
- 3.1(3) Uniformity – No part of a yard, or other open space...required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space...required for any other building. ***Application is proposing to utilize an existing house lot for access and connection to National Grid via easement.***

- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate physical access to a public street.

Proposed project requires ZBR approval of a variance from Zoning Section 6.2 Street Access to comply with public street access.

Planning Office Recommendation

The Planning Office recommendation is to grant Master Plan approval with the following stipulations:

- 1) That the applicant shall receive a Special Use Permit (SUP) and all necessary variances (presented above) from the Zoning Board of Review (ZBR) authorizing construction of a 6-acre Solar Facility.
- 2) That the applicant shall provide sufficient evidence for the ZBR via title search or other means determining that the subject lots (18 & 19) are legally created nonconforming lots of record.
- 3) That the proposed access and connection easement(s) shall be provided to the Planning Board for review prior to preliminary approval.
- 4) The applicant shall provide a RIDEM approval for the drainage plan including the three proposed retention basins for the solar facility site prior to preliminary approval.
- 5) That the applicant shall provide a formal planting plan stamped and signed by a RI Registered Landscape Architect that provides the evergreen buffer within the 100' buffer as required in Zoning Section 5.7.5(g) "Visual buffer and setback," prior to preliminary approval.
- 6) That the proposed above ground utility connections shall be installed underground in accordance with Zoning Section 5.7.5(k) "Utility Connections" unless a variance is granted by the ZBR.
- 7) That there shall be a permitter access road around the facility and sufficient distance between rows of solar panels to be determined by the North Smithfield Fire Department to enable/allow property firefighting access to the facility.
- 8) That the applicant shall maintain a current general liability policy in the amount of \$2 million per incident/occurrence and shall name the Town of North Smithfield as an additionally insured in accordance with Zoning Section 5.7.5(q) "Liability Insurance."
- 9) That the owner shall be required to work with local officials (Police, Fire & Building Official) to develop an emergency response plan which shall include but not be limited to, means of emergency access to the facility, clearly defined means of shutting down the facility, and contact information for local authorities responsible for responding to inquiries and emergencies prior to preliminary approval.
- 10) That the applicant shall consult with the North Smithfield Conservation Commission to provide housing platforms and/or shelters for birds, bats, and the like; number and location to be approved by the Conservation Commission prior to preliminary approval.

- 11) That the proposed development shall meet the standards contained in NFPA 1 2018 for Ground Mounted Photovoltaic Systems and 18.2.3 Fire Department Access Roads.
- 12) That the applicant shall install a fire cistern (see LDSR Section 5.8(K) for standards) in proximity to the proposed development, location to be determined by the North Smithfield Fire Department.
- 13) That the owner shall provide the Town with cash surety (which shall remain in effect for the life of the project) in an amount sufficient to ensure the removal of the solar project in the event that the project is abandoned and/or decommissioned and the owner neglects to remove the project within 120 days after the date of discontinued operations per Zoning Section 5.7.8 Decommissioning Bond.

Planning Board Vote

Gary Palardy, Chairman	Yes	No
Jeffrey Porter, Vice-Chair	Yes	No
Michael Fournier	Yes	No
Richard Keene	Yes	No
David Punchak	Yes	No
Roland Menard (Alt.)	Yes	No

Item 9

Public Meeting

Minor Subdivision

Old Smithfield Road

Location:	Old Smithfield Road
Assessor's Plat:	17
Assessor's Lots	23
Applicant:	Mohammed Arif
Zoned:	Rural Estate Agricultural (REA)
Area:	6.95 Acres
Number of lots:	2
Engineer:	National Surveyors-Developers, Inc.

The applicant is requesting preliminary approval to divide one 6.95-acre lot into two new lots for development on an existing Town road, in a REA zoning district.

Planning Office Findings

The Planning Office finds the proposal to be generally consistent with Article 1.1 "Purpose" of the Towns Land Development and Subdivision regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the Town Zoning Ordinance.

- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate physical access to a public street.

Planning Office Recommendation

The Planning Office recommendation is to approve the preliminary plan with final approval to be through the Administrative Officer with the following stipulations:

- 1) That the developer shall remove the two (2) existing trees and maintain proper site lines by performing and maintaining trimming and clearing of vegetation within the area indicated on the subdivision plan for “Record Lot B,” as recommended in the Principle Engineering sight distance assessment report.
- 2) That the RIDEM insignificant alteration permits be recorded in the Town’s land evidence records as required in in stipulation #6 of RIDEM Permit #21-0258
- 3) That the final plan shall include a reference under “General Notes” to the RIDEM Insignificant Alteration permit #21-0258 for “Record Lot A” and the RIDEM Preliminary Determination application #21-0259 for “Record Lot B.”

Planning Board Vote

Gary Palardy, Chairman	Yes	No
Jeffrey Porter, Vice-Chair	Yes	No
Michael Fournier	Yes	No
Richard Keene	Yes	No
David Punchak	Yes	No
Roland Menard (Alt.)	Yes	No

Item 10

Amendment to the Town’s Zoning Ordinance **Section 13 “Amendments”**

Applicant: North Smithfield Historic District Commission & Heritage Association
Zoning Amendment: Zoning Ordinance amendment to Section 13 “Amendments”

The North Smithfield Historic District Commission & Heritage Association desires to amend Zoning Ordinance Section 13 “Amendments” [To the zoning ordinance] to meet the minimum notice requirements prescribed in RIGL § 45-24-53 Adoption — Notice and hearing requirements.

Planning Department Findings

The Planning Office finds the proposal to be in compliance with the Town's Comprehensive Plan including Historic & Cultural Resources Element, Goals, Policies and Actions and, Implementation Section, Policies and Actions. The Planning Office also finds the proposed zoning amendment to be generally consistent with the following purposes of the Town's Zoning Ordinance:

- (1) Promote the public health, safety and general welfare.
- (2) Providing for a range of uses and intensity of use appropriate to the character of the town reflecting current and future needs.
- (5) To provide for the protection of the natural, historic, cultural, and scenic character of the Town or areas herein.
- (12) To promote implementation of the comprehensive plan of the Town adopted pursuant to Chapter 22.2 of the State Enabling Acts Related to Land Use Planning 1993.
- (14) To provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
- (15) To provide for procedures for the administration of the Zoning Ordinance.

The Planning Office recommendation is for a favorable recommendation to the Town Council for the requested zoning amendment.

Planning Board Vote

Gary Palardy, Chairman	Yes	No
Jeffrey Porter, Vice-Chair	Yes	No
Michael Fournier	Yes	No
Richard Keene	Yes	No
David Punchak	Yes	No
Roland Menard (Alt.)	Yes	No

Item 11

Administrative Subdivisions - For informational purposes only

Subdivision name: Pound Hill Business Park
Applicant: Peter Sangermano
Location: 621 Pound Hill Road
Assessor's Plat: 8
Assessor's Lot(s): 299 & 300

Subdivision name: Mohammed Arif/Masjid Al-Islam Inc.
Applicant: Mohammed Arif
Location: Sayles Hill Rd. & Old Smithfield Rd.
Assessor's Plat: 17
Assessor's Lot(s): 22 & 280

Item 12
Adjournment

Individuals requesting special assistance should contact the Town Planner's Office at 767-2200, ext. 336 seventy-two (72) hours in advance of the meeting date. Agenda posted at Town Hall, North Smithfield Police station, North Smithfield High School, and RI Secretary of State website.