

North Smithfield Zoning Board of Review

Meeting Minutes of January 2, 2007

The North Smithfield Zoning Board of Review met on Tuesday, January 2, 2007, at 7:00 PM at Primrose Fire Station, 1470 Providence Pike, North Smithfield, Rhode Island.

Call to Order: Mr. Kearns called the meeting to order at 7:00 pm.

Mr. Kearns informed the audience that he would be running the meeting since there is no chair and he is the only member of the board who is currently an elected officer of the Zoning Board of Review.

I. Call of the Roll: Mr. Kearns called the roll of the members. Present: William Juhr, Stephen Kearns, Vincent Marcantonio, Guy Denizard, Steven Scarpelli, Dean Naylor, and Mario DiNunzio. Also present were the Assistant Solicitor, Robert Rossi, Esq.; Robert Benoit, Building and Zoning Official; and a court stenographer from Allied Court Reporters.

II. Board Organization: Mr. Kearns announced that Section 8.2 of the zoning ordinance calls for the Board to organize once per year to select a chair, vice chair, and secretary.

Mr. Kearns asked for nominations for chair. Mr. Marcantonio made a

motion to nominate Mr. Kearns chair. Mr. Jühr seconded the motion, with all in favor. Motion passed unanimously.

Mr. Jühr made a motion to nominate Mr. Marcantonio vice chair. Mr. Denizard seconded the motion, with all in favor. Motion passed unanimously.

Mr. Marcantonio made a motion to nominate Mr. Jühr secretary. Mr. Kearns seconded the motion, with all in favor. Motion passed unanimously.

III. Adoption of Zoning Board of Review Rules and Regulations: Mr. Kearns stated that the Zoning Board is a volunteer board, and members receive no monetary compensation or pension credits for their service. Mr. Kearns stated that all members had been given and had read the Zoning Board of Review Rules and Regulations and announced that the members would vote on the adoption of the rules and regulations. Mr. Kearns stated that a copy of the rules and regulations would be posted at the North Smithfield Town Hall. Mr. Denizard made a motion to adopt the Zoning Board of Review Rules and Regulations, and Mr. Jühr seconded the motion, with all members voting in favor.

Mr. Kearns stated that service on the Zoning Board requires a sacrifice of time and energy, and made a statement to recognize the service of former board members Emilie Joyal, William Halliwell,

Cornelia Laprade, and Linda Vario.

IV. Continued application of the Jeffrey Piette appealing the North Smithfield Planning Board's decision of July 20, 2006, which was recorded on October 6, 2006, and requesting a dimensional variance from Section 5.5.1 "Building Setbacks" from Section 6.2 "Street Access to Buildings" of the North Smithfield Zoning Ordinance. Locus is Annette Avenue, Plat 9 Lot 191.

Attorney Matthew Shaw was present for the applicant. Mr. Shaw stated that he had sent correspondence indicating that the applicant's attorney, Michael Kelly, is not available for this meeting. Mr. Shaw requested a continuance of Mr. Piette's appeal. Mr. Shaw handed out copies of this correspondence to all members of the Board. Mr. Kearns accepted the request for a continuance and set the date for the continued application for February 6, 2007.

V. Request of Bucci Development Inc., for a vote of reconsideration of the Zoning Board's decision of November 8, 2006 for a dimensional variance: modification of conditions to special use permit. Location: Old Louisquisset Pike and Eddie Dowling Highway, North Smithfield, Plat 13, Lots 17, 18, 20, 21, 44, 53, 76, 111, 112, 123, and 143; Plat 21, Lots 25, 26, 29, 30, 31, 32, 50, and 61.

Attorney Matthew Shaw was present for the applicant. Mr. Shaw stated that the applicant would like to withdraw its request for a vote

of reconsideration. Mr. Jühr made a motion to accept the withdrawal of request for a vote of reconsideration of the Zoning Board's decision of November 8, 2006 for a dimensional variance. Mr. Denizard seconded the motion, with all in favor.

VI. Application of New England Self Storage, requesting a Special Use Permit to have automotive rentals: Section 5.4.7, subsection 9; and open lot storage of automotive equipment: Section 5.4.8, subsection 3. Location: 435 Eddie Dowling Highway, Plat 13, Lot 104.

Mr. Raymond Loughlin and Mr. Barry Shaver were sworn in by the court stenographer. Mr. Loughlin stated that they would like to provide truck rental service, as it is a natural adjunct to the moving services that New England Self Storage already provides. He stated that they have lost clients who need to rent trucks. It is in the best interest of their business to offer all services related to moving. Mr. Loughlin stated that they would also like to provide outside storage of RVs and boats in the back of the building. The area of the proposed RV and boat storage, on the original plans, was to be used to add another building on the property. Mr. Loughlin stated that at this point, they do not have plans to add this building, therefore they would like to use this space for vehicle storage. Mr. Loughlin stated that there would be room for a maximum of 10 vehicles to be stored in the 2000 square foot area.

Mr. Kearns asked if this area is gravel or paved with asphalt. Mr.

Loughlin replied that it is not paved. Mr. Kearns stated that the property is located in a sensitive environmental area, and that the owners are required to provide significant drainage containment to protect wetlands. Mr. Kearns asked if DEM had an issue with the storage of vehicles on this area. Mr. Loughlin stated that the proposed storage area is outside of the 50-foot buffer, so the DEM did not have an issue with the proposed storage area. Mr. Kearns asked if the applicant anticipates that the additional services would result in an increase in traffic. Mr. Loughlin stated that the increase would not be above that described in the original application because the business is only at 40% capacity at this time.

Mr. Kearns labeled exhibit P1, a grading and utility plan, dated June 2003. Referring to the plans, Mr. Kearns asked if the storage of RVs and boats would be limited to the area in the rear of the property, where the plans show an anticipated building. Mr. Loughlin replied yes, and also stated that the Planning Board did not want vehicles all over the property, as it would take away from the current look of the business. Mr. Kearns asked if the new services would require additional signage, and Mr. Loughlin told him that it would not. Mr. Kearns asked about the nearest neighbor to the property and whether this storage area would be visible to the neighbor. Mr. Loughlin stated that the nearest neighbor is a house, with a barn and corral. He said that the area is visible from the backyard corral area. Mr. Loughlin stated that at this time the area is not screened by a fence.

Mr. Marcantonio asked about the original plans for lighting. He asked if lights were allowed all night and if the original stipulations for lighting are being adhered to. Mr. Loughlin stated that some lights are on 24 hours a day; others are on time clocks. The goal of the business is to provide enough lighting to make the business secure, but not too much lighting. Mr. Marcantonio stated that the applicant should check the original lighting stipulations to make sure all lighting adheres to these stipulations. Mr. Marcantonio stated that he had been out to the site and has no objection to the requested additional services.

Mr. Juhr asked what would happen if gas is spilled from one of the stored vehicles. He wanted to know if it would go into the ground, and how close the proposed storage area is to the wetlands. Mr. Loughlin replied that the area is outside of the 50-foot wetlands buffer, so DEM does not have a problem with the proposal. Mr. Loughlin stated that the buffer is there in case something like a gas spill did happen. Mr. Juhr asked if the area would be part of the storm water containment system, with the existing oil/water separators. Mr. Loughlin replied that the area is calculated into the drainage system. Mr. Loughlin also stated that he would rather not spend the money to pave the area since he doesn't know how long the area will continue to be used as RV and boat storage. Mr. Juhr asked if the proposed RV and boat storage will be temporary. Mr. Loughlin said he is not sure, as the business is evolving and they are still addressing the services provided, based on customer demand.

Mr. Juhr stated that he is concerned with a potential gas spill and asked if the area could be paved. Mr. Loughlin again stated that he would rather not pave it. Mr. Juhr asked what they would do in the case of a gas spill. Mr. Loughlin stated that they would dig it up and dispose of it and that the business, not the customer, would be in charge of the site maintenance in case of a spill.

Mr. Marcantonio asked if they could limit the amount of gas that is allowed in stored vehicles. Mr. Loughlin and Mr. Shaver stated they would be amenable to limiting the amount of gas in the vehicles.

Mr. Juhr asked if the special use permit could be granted on a limited basis, renewable periodically until the project is completed. Mr. Kearns asked Mr. Rossi if that would be allowed. Mr. Rossi stated that he did not think they would be able to put a time limit on the special use permit, but they can put conditions on the granting of the special used permit.

Mr. Scarpelli asked if any maintenance would be done on the vehicles while they were stored on the site. Mr. Loughlin replied that it would not be allowed to work on any of the stored vehicles on the property.

Mr. Juhr stated that it would be hard to monitor the amount of gas in the vehicle, and on a wet, rainy day, infiltration into the soil can happen very quickly.

Mrs. Ruth Pacheco, a North Smithfield resident, spoke against the application, stating that she is concerned about the area not being paved. Mrs. Pacheco stated that the area is sitting right on top of Spring Brook. She stated that she has concerns about parking vehicles on gravel.

Mr. Juhr stated he is concerned that the town could be liable in the case of a gas spill or accident because of the granting of a special use permit.

Mr. Kearns called for a 5-minute recess at 7:37 pm. He called the meeting back to order at 7:41 pm.

Mr. Kearns told the applicant that the Board has concerns with fuel being stored on a gravel area and suggested that they return to the Board with a plan for addressing these concerns. Mr. Loughlin stated that all they could do is pave the proposed area.

Mr. Juhr asked why the storage of RVs and boats could not be accomplished using the existing storage units. Mr. Loughlin stated that the storage units are not big enough.

In the petition New England Self Storage, requesting a Special Use Permit to have automotive rentals: Section 5.4.7, subsection 9; and open lot storage of automotive equipment: Section 5.4.8, subsection 3, located at 435 Eddie Dowling Highway, Plat 13, Lot 104, the Chair

found the following findings of fact:

1) The applicant is requesting to store RVs and boats on an area that is not paved at this time.

2) The area proposed for the storage of RVs and boats has a storm water containment system that has been approved by the DEM.

3) The applicant does not anticipate an increase in traffic from the previously approved original application.

4) The lighting of New England Self Storage does not have a negative impact on the neighbors and adjacent properties.

Based upon these findings of fact, Mr. Kearns made a motion to approve the applicant's request for a special use permit with the following stipulations:

1) The area of the proposed storage of vehicles will be paved with an impervious surface and that the area be included in the storm water containment system of the entire property.

2) The applicant will provide confirmation by engineers that the vehicle storage area is included in that drainage area.

Mr. Jühr seconded the motion.

Mr. Marcantonio and Mr. Denizard both inquired about the oil/water separators in the drainage system. Mr. Kearns stated that he is not sure of the specifics of all parts of the drainage system, but that the DEM has approved the system.

Mr. Kearns also read a memorandum by Town Planner Michael Phillips that stated that the Planning Board, on December 21, 2006, had voted unanimously to approve the proposed modifications of the approved site plan by New England Self Storage. In addition, the Planning Board also voted to send a favorable recommendation to the Zoning Board on the request for a Special Use Permit that would allow for truck rentals and open lot storage of vehicles and RVs.

Roll call vote was as follows AYE: Mr. Kearns, Mr. Marcantonio, Mr. Jühr, Mr. Denizard, Mr. Scarpelli. The special use permit was granted, with a vote of 5-0.

Mr. Denizard made a motion to adjourn at 7:55 pm. Mr. Kearns seconded the motion, with all in favor.

Respectfully submitted,

Angela Pugliese