

North Smithfield Zoning Board of Review

Meeting Minutes of June 5, 2007

The North Smithfield Zoning Board of Review met on Tuesday, June 5, 2007, at 7:00 PM at Kendall Dean School, 83 Greene Street, Slatersville, RI 02876.

Call to Order: The Chair called the meeting to order at 7:00 pm.

I. Call of the Roll

Chair Stephen Kearns called the roll of the members. Present: Stephen Kearns, Vincent Marcantonio, Steven Scarpelli, Guy Denizard, Mario DiNunzio, and Dean Naylor. Absent: William Jühr. Also present were the Assistant Solicitor, Robert Rossi, Esq.; Robert Benoit, Building and Zoning Official; and a court stenographer from Allied Court Reporters. The Chair stated that first alternate Mario DiNunzio will be voting in place of William Jühr.

The Chair reviewed procedures of the board for all present.

II. Approval of the Minutes of May 15, 1007.

Mr. Denizard made a motion to approve the minutes of the May 15, 2007 meeting. Mr. Marcantonio seconded the motion, with all members voting in favor.

III. Application of Darcy Chiulli Realty Trust, LLC, requesting to open

a storage facility. This will require the granting of a Special Use Permit by the Zoning Board of Review; per section 5.4.8, Subsection 9. Locus is 35 Railroad St., Plat 4, Lot 229.

Mr. Benoit informed the Board that the applicant has requested a continuation of the application until July 10, 2007, due to a scheduling conflict. Mr. DiNunzio made a motion to continue the application until July 10, 2007 at 7:00 pm. Mr. Marcantonio seconded the motion, with all in favor. Mr. Denizard asked if before that meeting the applicant could submit a picture of what the storage facility will look like. Mr. Benoit said he would ask the applicant to submit a picture.

IV. Application of Robert C. And June E. Quinn, requesting a Special Use Permit per section 4.5, non-conforming uses of structures or of structures and premises in combination, subsection C. Locus is 1184 Providence Pike Plat 11, Lot 225.

Attorney Aram Jarret was present for the applicant, Grapevine Landscape Service, LLC. Mr. Jarret made it clear to the Board that though Robert and June Quinn are the present owners of the property; it is Grapevine Landscape Service under the ownership of Paul Pasquariello that will be opening and operating the landscaping service.

Mr. Jarret read a letter that was submitted to Town Planner Michael

Phillips, which explains that Grapevine Landscape Service, LLC has entered into a Purchase & Sale Agreement with Mr. and Mrs. Quinn. The sale of the property is contingent on the applicant receiving a Special Use Permit to operate a landscape service business. At present, the property has a special use permit to operate an automotive repair service. The applicant is seeking to change one non-conforming use to another non-conforming use. Mr. Jarret stated that the proposed use is equally or more appropriate than the existing non-conforming use and that no structural alterations are to be made to the building.

Paul Pasquariello was sworn in by the court stenographer. Through questioning by Mr. Jarret, Mr. Pasquariello testified to the following:

Mr. Pasquariello is a landscaper and principal owner of Grapevine Landscape Service LLC. The business is a Rhode Island corporation and Mr. Pasquariello has been involved in it since 1988. The business is presently located in Mr. Pasquariello's home. The primary use of the property on Providence Pike will be to store equipment and run the office part of his business from the building. The equipment being stored includes lawn mowers, Bobcats, a backhoe, excavation equipment, and other lawn care maintenance equipment. The hours of operation of the business will be daily from 7:00 am until 6:00 pm. In the peak season (April through January), there will be 6 full-time employees (including Mr. Pasquariello). Off peak, there will be 3 full-time employees. The majority of the

employees will leave during the day to go to customers' homes or businesses. During the winter, the business will mainly be planning for the upcoming season, but will conduct some snowplowing business.

The building will undergo no structural changes; just some cosmetic changes, such as painting, siding, roofing, and landscaping. The nature of the business includes complete landscaping, including driveways and lawns. Mr. Pasquariello hopes to add some retail sales of plants, flowers, and shrubs. The retail portion of the business will be a sideline, not the primary business. He would like to have some plants on hand to show customers what they offer in their landscaping business. There will also be mulch and loam on hand for sale, but no hay or grain. In the winter they would also like to sell firewood and Christmas trees.

The business also occasionally installs swimming pools, but they will not store any of the materials on the property. The pools and all materials are ordered from an out-of-state company and shipped directly to the customers' homes.

Mr. Pasquariello plans to landscape the property to beautify the premises and demonstrate to customers the business's landscaping skills. There will be no significant change in the signage. It will be in keeping with what is presently on the property. No chemicals will be stored on the premises (including fertilizers).

The Chair asked if they have future plans to expand the retail portion of the business substantially. Mr. Pasquariello stated that he does not plan to expand the retail portion. The main purpose of the building will be to entertain clients and display his landscaping business to the customers, but also have the ability to sell some products.

Mr. DiNunzio asked if the mulch will be stored loose or bagged and if there would be any heavy trucks needed for delivery of mulch. Mr. Pasquariello stated that the mulch would be loose, but that no heavy trucks will be necessary because they will only be delivering small quantities. Mr. DiNunzio also asked if they would be growing anything on the property. Mr. Pasquariello said he would be planting shrubs and trees so he can show the customers' what mature plantings will look like, but there will be no greenhouse.

Mr. Naylor asked how many types of mulch and other materials would be stored. He asked how many piles would be present on the property. He expressed concern for the smell that the stockpiling of materials may cause. Mr. Pasquariello stated that the size and number of materials on hand will be limited by the size of the property. His main purpose is to have small amounts of materials on hand so that customers could get small quantities at odd times, when other businesses may not be available to provide the materials. He stated that customers will mainly be coming to him for his

landscaping expertise, and in advising the customer, he would like to have small quantities of the materials he recommends on hand to sell to the customer, instead of sending them to another business. He stated that there is not a lot of money to be made in material deliveries because of the large business in the area that specialize in this aspect of the business. He just wants to provide quick access to simple materials.

Mr. Marcantonio asked if anyone would be manning the shop while the other employees are out on the job during the day. Mr. Pasquariello stated that he would like to have an employee in the office during the day to meet with clients, field questions, and set up appointments. Mr. Marcantonio stated that the Quinn's Transmission business did not cause much traffic in the area. He is concerned that this landscaping business may increase the traffic in this mainly residential area.

Leo Fleury, a North Smithfield resident, asked the applicant some questions. Through Mr. Fleury's questions, Mr. Pasquariello provided the specifics of the lawn care equipment and vehicles to be stored on the property. He stated that all the vehicles will not fit inside the building and a couple of the trucks will be stored outside. He also stated he would have approximately 100 yards of mulch on hand and loam in 25-yard piles. He estimated that Leeway stores approximately 2000 yards of mulch and other materials, but he is not sure. He estimated that the plant materials on hand would be approximately

the amount that would fit on a 45-ft. tractor trailer truck, including plants, shrubs, and trees. He estimated that during the winter he would store approximately 5 cords of wood. Mr. Pasquariello also stated that he would have a variety of lawnmowers, including 4 riding mowers, 2 walk-behind, and 1 push mower.

Mr. Jarret brought Richard Fontaine forward to testify to the Board. Mr. Fontaine was sworn in by the court stenographer. He testified that he is a real estate broker for Prudential Richard Fontaine Real Estate, with 40 years experience. He is the listing agent for the property. He stated that the property has been for sale for 2 ½ years and they have not been able to find a buyer that wants to continue using the property as an auto repair business. Mr. Fontaine stated that the property is in a residential area and in his opinion, the landscaping business would be a more appropriate use in light of the neighborhood. Mr. Fleury asked what the sale price will be for the property. Mr. Fontaine stated that the sale price is set at \$315,000. Mr. Fleury stated that the field card obtained from the town's website states the appraisal value as \$247,000. Mr. Fontaine stated that appraised value is almost always lower than market value.

Mr. Fleury was then sworn in by the court stenographer. He pointed out for the record that the zoning ordinance, section 5.4.8 states that retail sales on an open lot are not allowed in an RA zone. He also stated that section 16.13.2 states that in a residential district, parking and storage of vehicles over 5 tons is not allowed. He stated that he

has no problem with vehicles being stored inside the building, but he does object to vehicles stored outside, materials being stored outside, and retail sales on the property. Mr. Fleury stated that he lived 3 houses down from the property for many years and that all business was conducted inside the building. He expressed his hope that if the Board grants the applicant's request, they will put restrictions on what is allowed so that the business will not get out of hand in this residential area.

Mr. Jarret stated that the applicant is not arguing that they fit into certain sections of the zoning ordinance; they are arguing that this proposed non-conforming use is equally or more appropriate than the existing non-conforming use. Mr. Jarret stated that the landscaping business will have a small retail aspect and will beautify the grounds.

The Chair stated that in his opinion, a landscaping business is more appropriate for a residential area than a transmission shop.

Mr. Marcantonio questioned whether the business could be considered to be abandoned, as in section 4.4 of the ordinance. Mr. Rossi asked Mr. Jarret to respond. Mr. Jarret stated that this is not an issue in the application. That would be an issue for the Building Inspector to determine and a separate hearing would have been held to determine that. Mr. Fontaine stated that it is not an issue because the transmission business had been closed for only 7 months.

Mr. DiNunzio stated that in his opinion the proposed use is better for the town's interest than the past use.

The Chair stated that in the application of Grapevine Landscape Service, LLC, on the property presently owned by Robert C. And June E. Quinn, requesting a Special Use Permit per section 4.5, non-conforming uses of structures or of structures and premises in combination, subsection C. Locus is 1184 Providence Pike Plat 11, Lot 225, he finds the following findings of fact:

Paul Pasquariello, owner of Grapevine Landscape Service, LLC, intends to operate a small business, with 6 full-time employees in peak months; 3 full-time employees in off-peak months.

The owner will make minor improvements to the structure existing on the property.

The owner has not intent to increase the size of the structure.

The business will include sales of mulch, loam, shrubs, and trees.

The business includes pool installation services, but no pool chemicals or equipment will be stored on site.

During the holiday season, the business will provide sales of firewood and Christmas trees.

The signage will not increase in size and will be appropriate to the area.

The owner will increase the amount of landscaping on the grounds for a more appealing appearance to the property.

The Board has concerns with storage of mulch and vehicles in the

rear of the building, and therefore the Chair makes a motion to approve the application with the following stipulations:

- 1) The Planning Board shall make appropriate recommendations for screening of materials and vehicles from the street and neighbors.
- 2) Mulch and other materials must be contained, not just stored in piles.

Mr. Scarpelli seconded the motion. Mr. Denizard expressed concern that the storage of fertilizers in the building, where vehicles will be stored could present a hazard. The Chair stated that the applicant testified that no fertilizers will be stored on site. The Chair amended his motion to include the following additional stipulations:

- 3) No fertilizer will be stored inside the building with the vehicles.
- 4) The amount of mulch stored on the property will be limited to 100 yards and the amount of loam stored on site will be limited to 25 yards. Both the mulch and the loam will be stored in a contained environment.

Mr. DiNunzio seconded the amendment to the motion.

Mr. Naylor stated that has lived about $\frac{1}{2}$ mile away from the property for the past 13 years and has concerns about the increase in traffic that retail sales may cause to the area. He stated that the crews coming and going will most likely not increase the traffic, but that the parking lot can't safely accommodate more than 10 cars. He is concerned about where overflow cars will park. He also stated that

he is concerned that a 45-foot tractor-trailer would have difficulty accessing the property.

Mr. Denizard asked if a permit was necessary for the sale of Christmas trees. Mr. Benoit stated that the permit would be included with this application because the applicant has testified that this would be included in the business.

The Chair asked for a roll call vote. Mr. Marcantonio stated that he would be recusing himself because he knows Mr. Quinn. Roll call vote was as follows: AYE: Mr. Scarpelli, Mr. Kearns, Mr. DiNunzio. NO: Mr. Denizard, Mr. Naylor. The application was denied by a vote of 3-2. A special use permit needs to pass by a vote of 4-1.

The Chair made a motion to adjourn at 8:17 p.m., seconded by Mr. Scarpelli, with all in favor.

Respectfully submitted,
Angela Pugliese, Clerk