

North Smithfield Zoning Board of Review

Meeting Minutes of July 10, 2007

The North Smithfield Zoning Board of Review met on Tuesday, July 10, 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 7:02 pm.

I. Call of the Roll

Chair Stephen Kearns called the roll of the members. Present: Stephen Kearns, Vincent Marcantonio, Steven Scarpelli, Guy Denizard (arrived at 7:10 pm), William Juhr, and Dean Naylor. Absent: 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.

The Chair reviewed procedures of the board for all present.

II. Continued 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 Street, Plat 4, Lot 229.

The Chair explained that under section 17.3.2 of the Zoning Ordinance, for developments, which require a Special Use Permit or

Use Variance, the Planning Board may also refer the applicant to the Zoning Board prior to conducting Development Plan Review. In such cases, review by the Zoning Board shall be limited to the use in question until such time as Development Plan Review is undertaken by the Planning Board. This application is being considered under this section of the ordinance. The applicant has not yet appeared before the Planning Board.

Todd Lewis, owner of Darcy Chiulli Realty Trust, LLC, was sworn in by the court stenographer. Mr. Lewis stated that he is proposing to build and open a storage facility on the property adjacent to his current business (Xtreme Restoration). The proposed facility will have approximately 80 units. Mr. Lewis stated that he does not have exact plans prepared yet and therefore does not know what the setbacks for the building will be. He has also not yet had a traffic study or environmental impact study completed yet. Mr. Lewis stated that the Town Planner had written a recommendation to the Zoning Board based on the rough sketch of the plans. Mr. Lewis did not have engineered plans prepared because of the cost involved.

The Chair stated that he has concerns for the environmental impact of the area, especially Branch River. He stated that the use seems to fit with the area and it is in a Manufacturing Zone, but he would like more detail on the plans. Mr. Rossi suggested that the Board continue the application to give the applicant more time to gather information on the impact to the area that may be caused by

proposed use. The Chair stated he would like more information on the potential traffic, types of storage allowed and not allowed, and means of ingress and egress to the property. The Board also questioned whether the applicant would need to obtain permits from DEM and/or DOT. Mr. Benoit stated that during the Development Plan Review, any needed permits would need to be obtained before final plan approval.

Richard Millette, a town resident at 46 Church Street asked about the exact location of the proposed facility. He also had questions about what would be stored, concerns about the security of the facility, and the hours of operation. Mr. Lewis explained that the facility would be located on the property between Xtreme Restoration and Charon Drive. The facility will be fenced, and the hours of operation are proposed as Monday-Friday, 8 am –8 pm, and Saturday 8 am – 4 pm.

The Chair asked the applicant to please gather more information about the lighting proposed and the potential noise level.

Mr. Naylor made a motion to continue the application to October 2, 2007 to give the applicant time to obtain the requested information. Mr. Scarpelli seconded the motion, with all in favor.

III. Continued application of Daniel Geer and Debra McManus for Omnipoint Communications, Inc., requesting to install a wireless communication facility (cell tower), which requires a Special Use

Permit under Section 5.4.7, subsection 19(A) & 19(B), Section 5.6.3.10, subsection 6, and a dimensional variance under Section 5.6.3.10, subsection 7 (A-1). Locus is 260 Pound Hill Road, Plat 9, Lot 150.

Mr. Benoit informed the Board that he had received a letter from the applicant requesting to continue the application. The applicant is currently working on gathering information the Board had requested at the May 15, 2007 meeting. Mr. Jühr made a motion to continue the hearing to September 4, 2007. Mr. Scarpelli seconded the motion, with all in favor.

IV. Request for reconsideration of the 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.

The Chair stated that the Board had received a letter from attorney Aram Jarret requesting a reconsideration of the application due to confusion at the last meeting regarding the recusal process. Mr. Jarret stated that he had submitted information to the Board explaining that members of the Board must state that they are recusing from the application prior to evidence being presented.

Mr. Marcantonio recused himself from the hearing. The Chair stated that Mr. Naylor would vote in place of Mr. Marcantonio. Mr. Jarret

stated that since this will be a new hearing, Mr. Jühr may participate even though he was not present at the previous hearing. The Chair made a motion to reconsider the application of Robert C. and June E. Quinn. Mr. Naylor seconded the motion, with all in favor.

The Chair stated that the applicant will be making a full presentation at this meeting and the Board must disregard all information from the prior meeting. Mr. Jarret submitted exhibit P1, Plot Plan of the proposed business.

Paul A. Pasquariello II was sworn in by the court stenographer. Mr. Jarret explained 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. 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 Monday through Saturday from 7:00 am until 5:00 pm and Sunday from 8:00 am until 2:00 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 employees will park in the back of the building and 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.

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 as a secondary use, 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 be no storage or sale of mulch, loam, dirt, or stones on the property. All sales of this type of material will be done through subcontractors. No tractor-trailer trucks will be making deliveries to the property. No fertilizers of any kind will be stored on the property.

Mr. Pasquariello plans to landscape the property to beautify the premises and demonstrate to customers the business's landscaping skills. He will be adding evergreen screening to better screen the property during the winter months. There will be no significant change in the signage or lighting. It will be in keeping with what is presently on the property.

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. In the winter they would also like to sell firewood and Christmas trees.

The Chair requested that the applicant have a traffic study conducted.

He also asked Mr. Pasquariello if he would be able to open the business without the retail aspect. Mr. Pasquariello stated that he might consider it, but he would really like to include some retail sales to help pay for the building owning expenses.

Mr. Jühr stated that he is concerned that there is not adequate parking on the property. Mr. Pasquariello stated that the property has more than the required amount of parking and that he is not averse to adding more since there is a lot of space available on the property.

Mr. Jühr also requested more information regarding the retail aspect of the business, including parking, means of ingress and egress, and lighting.

Mr. Naylor asked if the parking was adequate for both employees and potential customers. Mr. Pasquariello stated that some of the employees carpool and he uses his truck, which will be out at customers' homes during the day, so he anticipates only one parking space being used by employees. He also stated that employees could park in the back of the building. Mr. Naylor also stated that he has concerns about the traffic because it is a residential neighborhood.

Mr. Scarpelli asked if retail sales are open to the public or just landscaping customers. Mr. Pasquariello stated that they would be open to everyone. He would like to offset expenses with sales and also use the retail aspect as a way to line up landscaping clients.

Town resident Richard Millette stated that he is concerned about possible storage of fuels on the property. Mr. Benoit stated that if the Special Use Permit is granted, the site will be inspected by the fire marshal and the owner will have to comply with the fire marshal's requirements, and the current fire code.

Mr. Denizard made a motion to continue the hearing to September 18, 2007. Mr. Scarpelli seconded the motion, with all in favor. The Chair asked the applicant to please submit the engineer's traffic study prior to the hearing to give the Board adequate time to review it.

Mr. Denizard made a motion to adjourn at 8:27 p.m., seconded by Mr. Scarpelli, with all in favor.

Respectfully submitted,

Angela Pugliese, Clerk