

# **North Smithfield Zoning Board of Review**

**April 24, 2012, 7:00 pm**

**Kendall Dean School**

**83 Green St., Slatersville, RI**

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

## **1. Roll Call**

**Present: Chair Stephen Kearns, Steve Scarpelli, Bill Jühr, Guy Denizard, Paul Pasquariello, Scott Martin, Mario DiNunzio. Also present were Building Official Bob Benoit, Town Solicitor Bill Savastano, and a stenographer from Allied Court Reporters.**

**2. Disclosure of no compensation or pension credits received by the board members.**

**3. Continued application of Stephen Lagasse, requesting a Special Use Permit per section 5.4.2: Residential Uses, subsection (5), "Attached dwelling for operator or owner of a principal use."**

**Locus is 595 St. Paul Street, Plat 5, Lot 228, Zoning: LC "Limited Commercial."**

**The Chair read a letter from the applicant's attorney, Aram Jarret, into the record. The applicant requested to withdraw his application.**

**4. Application of Ralph and Sharon DeVivo Jr., requesting to have a two-family dwelling, which will require the granting of a Special Use Permit, per section 5.4.2, subsection (3) of the Zoning Ordinance. Locus is 1275 Iron Mine Hill Road, Plat 16, Lot 4, Zoning: RA-65 “Rural Agricultural.”**

**Ralph DeVivo, Sr., father of the applicant, was sworn in by the stenographer. He explained that the applicant was looking to construct an addition to the existing dwelling. He stated that there are a few other two-family dwellings on the road, and that the property is a very large lot with over 7 acres. There will be no need for any dimensional variances. He stated that he would have put in an in-law apartment, but the 750 sq. ft. requirement is too small for what he would like to live in. The proposed addition is 1200 sq. ft.**

**The Chair entered the following exhibits into the record:**

**P1) Application for a Certificate of Zoning Compliance, November 29, 2011.**

**P2) Application for Hearing before the Zoning Board of Review, February 22, 2012**

**P3) List of abutters for Plat 16, Lot 4, and radius map, February 2012**

**P4) Floor Plan Existing and Floor Plan Proposed, February 7, 2012, Associated Engineers**

**P5) Portion of surveyor's plan showing previous subdivision of property**

**P6) Full size approved subdivision plan, May 1, 2002, prepared by Marc Nyberg**

**B1) Planning Memo, April 19, 2012, Town Planner Robert Ericson**

**Mr. Denizard asked about the proposed septic, existing leaching field, and the proposed parking on the property. Mr. DeVivo explained the proposed septic system and stated that DEM has already reviewed and commented, and the plans have been revised and resubmitted to DEM for approval. Mr. Benoit stated that the building permit will not be granted until the DEM approvals are received. DEM will send copies of the approval to the applicant and directly to the town.**

**Mr. DeVivo showed on the plan the location of the existing garage and how the driveway will be relocated to be more in line with the house. Parking for 3 cars will be available in the driveway, along with a 2-car garage. He stated that a business truck will also be parked on the property, with a separate access to it. He pointed this out on the plan. He added that a couple of trees will be taken out to accommodate this.**

**The Chair asked about additional exterior lighting and proximity of neighbors' houses. Mr. DeVivo stated that there will be none. Mr. DeVivo Sr. pointed out abutters' houses, one of which is his other son's and one across the street. Ralph DeVivo Jr. was sworn in by the court stenographer. He stated that the one neighbor across the street**

**has a house deep in the woods, with a curved driveway and that he can't even see the house from the road.**

**Mr. Juhr asked the Chair to note that there was no one in attendance to speak for or against the application.**

**Mr. Scarpelli made a motion to approve the application of Ralph and Sharon DeVivo Jr., requesting to have a two-family dwelling, which will require the granting of a Special Use Permit, per section 5.4.2, subsection (3) of the Zoning Ordinance. Locus is 1275 Iron Mine Hill Road, Plat 16, Lot 4, Zoning: RA-65 "Rural Agricultural." Mr. Pasquariello seconded the motion.**

**The Chair stated that it appears that the applicant has done all due diligence in providing information as the Zoning Board of Review requests. He stated that DEM approval is being sought and that the construction cannot go forward without this approval. The applicant is not changing the character of the neighborhood, and as substantiated by the Planning Memo (B1), the town's Comprehensive Plan does not discourage the request.**

**Roll call vote was as follows: YES: Mr. Kearns, Mr. Juhr, Mr. Denizard, Mr. Scarpelli, Mr. Pasquariello. Motion passed, with a vote of 5-0. Special Use Permit was granted.**

**The Chair asked the Board to meet on May 8, 2012 for a workshop**

**discussion on Board procedures and making good land use decisions, including a report on the recent GrowSmart RI workshop attended by some members of the Board.**

**Mr. Juhr made a motion to adjourn at 7:32. Mr. Pasquariello seconded the motion, with all in favor.**