

North Smithfield Zoning Board of Review

May 8, 2012, 7:00 pm

Kendall Dean School

83 Green St., Slatersville, RI

The Chair called the meeting to order at 7:04 pm.

1. Roll Call

Present: Chair Stephen Kearns, Steve Scarpelli, Bill Jühr, Guy Denizard, Paul Pasquariello, Mario DiNunzio. Absent: Scott Martin. Also present was Building Official Bob Benoit.

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

3. Approval of minutes, April 24, 2012.

Mr. Denizard made a motion to approve the minutes of April 24, 2012.

Mr. Scarpelli seconded the motion, with all in favor.

4. Approval of the written decision for the application of Ralph and Sharon DeVivo Jr., granting 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. Scarpelli made a motion to approve the written decision for the application of Ralph and Sharon DeVivo Jr., granting 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. Denizard seconded the motion.

Roll call vote was as follows: YES: Mr. Kearns, Mr. Jühr, Mr. Denizard, Mr. Scarpelli, Mr. Pasquariello. Motion passed, with a vote of 5-0.

5. Workshop session—Making Good Land Use Decisions, Open Meetings Rules, and Procedures of the Zoning Board of Review.

Before the workshop discussion began, a member of the public, Mr. Joe DiMayo of 62 Alpine Way, asked for information on the role of the Zoning Board, especially with regard to zone changes. The Chair explained what the Zoning Board of Review does (decides on requests for Special Use Permits and Dimensional Variances) and informed Mr. DiMayo that the Town Council is the body responsible for zone change decisions. Mr. DiMayo stated that he has been following the Silver Pines development and its zone change. He stated that the Town Planner said that the zone change request will come before the Zoning Board. He said that he will be back to talk to the Zoning Board when that happens. The Chair stated that he didn’t think the zone change would come before the Zoning Board. Mr. Jühr

stated that the Zoning Board is there to help when they can, but they cannot supersede the Town Council.

The Chair started the workshop session. He gave a brief summary of the recent workshop he attended, presented by GrowSmart RI, on making good land use decisions. Mr. Scarpelli also attended the workshop. They had previously submitted copies of the materials they received at the workshop to all members of the Zoning Board.

Topics discussed were by-laws and board procedures, open meetings laws and violations (such as rolling meetings, email discussions), and recusal procedures. The Chair encouraged all Board members to attend future workshops conducted by GrowSmart RI.

The Board had a discussion on section 17.3.2 of the Zoning Ordinance, which gives applicants the option to request a Special Use Permit from the Zoning Board before going through the complete development plan review process with the Planning Board. Its intent is to make the process move more quickly and save the applicant money, but it has proven to be complicated in past applications. In some cases, the Zoning Board did not have enough information to make a decision on the use and the applicant was sent back to the Planning Board.

Mr. Benoit read the section of the ordinance, which states that in

such cases, the Zoning Board is to consider only the use, and no planning issues. The Planning Board has a different set of criteria by which they review applications. Mr. Jühr stated that the Zoning Board should stick to the criteria for approval of the Special Use Permit, and leave the planning issues to the Planning Board. Most of the Board agreed, but Mr. Denizard stated that the planning issues are important to the zoning review and he thinks the Zoning Board should always seek Planning Board input.

Mr. Pasquariello suggested that this part of the ordinance be changed in order to save applicants time and money and to avoid having a confusing process. Mr. Benoit stated that the Town Council can change the Zoning Ordinance. Mr. Jühr suggested that the change was not necessary, as long as the Zoning Board stays focused on the criteria or requirements for zoning approval, explain that process to the applicant, and do not focus on planning issues.

The Chair informed the Board that he will soon be moving to Manville and will most likely have to resign from the Board. He will be participating in the next meeting, but he will send the Town Council notice of his resignation and will recommend that Mr. DiNunzio be appointed as a full member of the Board, in light of his years of experience and thorough knowledge of Board procedures.

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