

North Smithfield Zoning Board of Review

June 12, 2012, 7:00 pm

Kendall Dean School

83 Green St., Slatersville, RI

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

1. Roll Call

Present: Vice Chair Steven Scarpelli, Bill Juhr, Guy Denizard, Mario DiNunzio, Scott Martin. Also present were Building Official Bob Benoit and Assistant Town Solicitor Bill Savastano.

Mr. Scarpelli announced the resignation of Chair Stephen Kearns, who has moved out of town. He thanked him for the great work and many years of service to the Board.

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

3. Approval of minutes, May 22, 2012.

Mr. Juhr made a motion to approve the minutes of May 22, 2012 as corrected. Mr. Denizard seconded the motion, with all in favor.

4. Continued application of Kimberly Enterprises, Inc., requesting a dimensional variance for lot frontage, per section 5.5 “District Dimensional Regulations,” subsection 5.5.1, “Residential Districts,” and a variance from Section 6.2, “Street Access to Buildings.” Locus is off Sayles Hill Road, Plat 17, Lot 236, Zoning: RS-40.

Mr. Scarpelli stated that public comment had been closed at the May 22 meeting, and the Board had reviewed the materials submitted at the previous meeting. Mr. Juhr stated that he had received an email that was forwarded to the Board by the clerk. The email was a memo from Town Planner Bob Ericson giving recommendations from the Planning Board regarding this application. He questioned how the matter had been placed on the Planning Board agenda. The Board members, the applicant, the Building Official, and the Assistant Solicitor all stated that they did not bring the matter to the Planning Board’s attention or ask that they review and submit a recommendation to the Zoning Board. He stated that he did not want to enter the email into the record. He would like the Planner to submit a signed letter on official town letterhead in order to be accepted as an exhibit. Applicant Phil Godfrin asked if he could have a copy of the email and was given one.

Mr. Juhr stated that he had been prepared to vote on the application at this meeting, but in light of this email, he would like to hear more about the application from the town’s perspective. He would like to see what can be done about this lot, as it has no frontage. Mr. Juhr

stated that he would like to find out if there is a way to have a road put in for all the lots. He stated that he does not think that the one property owner (Mr. Authier, owner of the right of way) should be able to control whether or not a road can be constructed.

Mr. DiNunzio stated that because of the communication from the Planning Board and Mr. Jühr's concerns, it would be prudent to delay any final action on this application. Mr. Jühr stated that the would like to delay further action on this application and request that the Planning Board submit clarification of the email on official town stationery, with some attention to the general problem of landlocked properties.

Mr. Scarpelli made a motion to table the discussion and postpone a decision pending an appearance of the Town Planner at the next Zoning Board meeting, to be held on June 26, 2012 to discuss the items in his email, as well as addressing the general circumstances of existing subdivisions with paper roads. Mr. DiNunzio seconded the motion, with all in favor.

Mr. Godfrin stated that he understands Mr Jühr's intent, but that in this matter and any other lot in this subdivision, the Planning Board has no jurisdiction. He stated that perhaps the Town Planner can provide guidance, but the circumstances of the application won't change and he is following the only course of action available. Mr. DiNunzio stated that the Board is not conceding jurisdiction, but they

are seeking help to make a decision that is in the interest of the town.

Mr. DiNunzio made a motion to adjourn at 7:36 pm. Mr. Denizard seconded the motion, with all in favor.