

North Smithfield Zoning Board of Review  
April 23, 2013, 7:00 pm  
Primrose Fire Station  
1470 Providence Pike, North Smithfield, RI

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

1. Roll Call

Present: Chair William Juhr, Steve Scarpelli, Mario DiNunzio, Paul Pasquariello, Vincent Marcantonio. Absent: Scott Martin. Also present were Building Official Bob Benoit and Assistant Solicitor Stephen Archambault.

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

3. Approval of minutes, April 8, 2013.

Mr. Scarpelli made a motion to approve the minutes of April 8, 2013. Mr. Marcantonio seconded the motion, with all in favor.

4. Approval of the written decision for the application of Narragansett Electric Company d/b/a National Grid, requesting a dimensional variance from section 5.5, subsection 5.5.1, height variance. Locus is North Smithfield to Burrillville Line. Zoning Districts: REA, RA, RS, BN, and M.

Mr. Scarpelli made a motion to approve the written decision for the application of Narragansett Electric, doing business as National Grid, for a dimensional variance from section 5.5, subsection 5.5.1 (height variance). Mr. Marcantonio seconded the motion. The Chair stated that Mr. DiNunzio would not vote on this motion because he was not present at the hearing when the application was approved. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Pasquariello, Mr. Marcantonio. Motion passed, with a vote of 4-0.

5. Approval of the advisory opinion for the application of Narragansett Electric Company d/b/a National Grid, requesting a dimensional variance from section 5.5, subsection 5.5.1, height variance. Locus is North Smithfield to Burrillville Line. Zoning Districts: REA, RA, RS, BN, and M.

Mr. Scarpelli made a motion to approve the advisory opinion for the application of Narragansett Electric, doing business as National Grid, for a dimensional variance from section 5.5, subsection 5.5.1 (height variance). Mr. Marcantonio seconded the motion. The Chair stated that Mr. DiNunzio would not vote on this motion because he was not present at the hearing when the

application was approved. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Pasquariello, Mr. Marcantonio. Motion passed, with a vote of 4-0.

6. Application of Ocean State Development (John McCarthy and John Solomon, Jr.), requesting to install a 6 ft. by 10 ft. (60 sq. ft.) free standing sign. This will require the granting of a dimensional variance per section 6.17.6, subsection D. Locus is 594 Great Road, Plat 5, Lots 61 & 297. Zoning District: BN.

John Solomon, owner and occupant of the medical center at 594 Great Road was sworn in by the stenographer. The Chair asked Mr. Benoit for a brief explanation of why the request was denied by the Building Official. Mr. Benoit explained that section 6.17.6 (D) permits signs of 12 square feet or not exceeding 20 square feet in a BN zone. The proposed sign is 60 square feet. Mr. Solomon stated that the request is for a free standing sign. He said that a permitted wall mounted sign has already been installed. Mr. Benoit added that a previous ordinance did allow up to 60 square feet, but that amount has since been reduced. The Chair stated that with the proposed MU1/MU2 zones, the permitted sign size will change again, but that this application needs to be considered in the context of the current ordinance and zoning.

The following exhibits were entered into the record:

- P1) Application for certificate of zoning compliance (10-02-12), application for hearing before Zoning Board of Review (2-25-13), page 6 from current Zoning Ordinance (section 6.17.6)
- P2) Drawing of proposed sign, prepared by Mandeville Sign, 9-20-12
- P3) Abutters List, Plat 5, Lots 297 and 61, 2-25-13
- P4) Radius Map, 2-25-13, stamped by Marc N. Nyberg
- P5) Sign Location Plan, 2-25-13, stamped by Marc N. Nyberg

Mr. Solomon said that he is requesting the sign because the building, which was once used for manufacturing, is now a medical building with 7 tenants. This sign will allow all tenants to include their business on the sign. He said that as more tenants lease space and if another smaller building is added in the future, the proposed sign has room to add more tenants. He said the requested size is not too large and will allow people driving to the site to see it from both sides.

Mr. Scarpelli said he thinks the proposed sign is not too large for the business or the neighborhood. The Chair agreed that he thinks it is appropriate for the business. He asked about lighting on the sign. Steve Salamis from Mandeville Sign was sworn in by the stenographer. He said that the top panel of the sign is aluminum with illumination, the bottom part of the sign will have each panel lit with fluorescent lamps.

Mr. Marcantonio stated that he did not have a problem with the request and that people driving to the building need to be able to see and read the sign. Mr. Pasquariello asked if there will be a need for an additional free standing sign if another building is constructed on the site. Mr. Solomon said that this will be the only free standing sign, as it has room to hold up to 12 panels, and the property will not have more than 12 tenants even with possible expansion in the future.

The Chair opened the meeting up to public comment, but there was no one in attendance to speak for or against the application. The public hearing was closed at 7:23 pm.

Mr. Pasquariello made a motion to approve the application of Ocean State Development (John McCarthy and John Solomon, Jr.), requesting to install a 6 ft. by 10 ft. (60 sq. ft.) free standing sign. This will require the granting of a dimensional variance per section 6.17.6, subsection D. Locus is 594 Great Road, Plat 5, Lots 61 & 297. Zoning District: BN. Mr. Marcantonio seconded the motion. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Pasquariello, Mr. DiNunzio, Mr. Marcantonio. Motion passed, with a vote of 5-0.

7. Application of Anthony Medeiros, requesting to add a 15 ft. by 26 ft. garage to side of existing structure. This will require the granting of a dimensional variance per section 5.5 "District Dimensional Regulations," subsection 5.5.1. Locus is 159 Sayles Hill Road, Plat 17, Lot 183. Zoning District: RS-40.

Anthony Medeiros was sworn in by the stenographer. Mr. Benoit explained that the request calls for a variance because the proposed structure will be within 10.7 feet of the property line but 25 feet is required per section 5.5, subsection 5.5.1.

The following exhibits were entered into the record:

P1) Application for certificate of zoning compliance (3-11-13), application for hearing before Zoning Board of Review (3-11-13)

P2) 200' Locus Abutters List for 159 Rue de St. Jude

P3) Collection of letters signed by abutters, not dated, stating no issues or opposition to the applicant's request.

P4) 200' Locus Plan, February 2013, stamped by Norbert Therien, Professional Land Surveyor

Mr. Medeiros showed the Board a sketch with the existing house and proposed garage, which he said will be used for one vehicle and storage in order to not clutter up the yard. The Chair stated that neither side will meet the 25' setback but that the abutter on the side, Kimberly Enterprises, did not object.

Mr. Marcantonio asked when Mr. Medeiros bought the property and asked about the septic system. Mr. Medeiros said that he will have owned the property 2 years in June and that there is a brand new septic system that will not be affected by the location of the proposed garage.

The Chair opened the meeting to the public. The following abutters were sworn in by the stenographer and all stated that they were in favor of the request: Richard Blain, 163 Sayles Hill Road, Richard Macksoud, 134 Sayles Hill Road, Roland Smith, 165 Sayles Hill Road. No one else was present to speak for or against the request. The Chair closed the public hearing at 7:36 pm.

Mr. Pasquariello made a motion to approve the application of Anthony Medeiros, requesting to add a 15 ft. by 26 ft. garage to side of existing structure. This will require the granting of a dimensional variance per section 5.5 “District Dimensional Regulations,” subsection 5.5.1. Locus is 159 Sayles Hill Road, Plat 17, Lot 183. Zoning District: RS-40. Mr. Marcantonio seconded the motion. Roll call vote was as follows: YES: Mr. Jühr, Mr. Scarpelli, Mr. Pasquariello, Mr. DiNunzio, Mr. Marcantonio. Motion passed, with a vote of 5-0.

8. Application of Anthony and Elaine Pontarelli, requesting relief from section 5.6.2, also a dimensional variance from section 5.5, “District Dimensional Regulations,” subsection 5.5.1, residential district. Locus is McCann Street, Plat 1, Lot 275. Zoning District: RS-40.

Anthony Pontarelli was sworn in by the stenographer. Leo W. Fleury was also sworn in by the stenographer. Mr. Fleury was present to assist Mr. Pontarelli in presenting the application, but he stated that he has no interest in the application.

Mr. Benoit stated that the applicant is requesting to divide Lot 275 into 2 lots. Prior to 2009, the property was indicated as 3 separate lots: 275, 276, and 277 on the tax assessor’s map. On September 24, 2009, the lots were merged into one, as a town policy from the merger provision in the ordinance (4.2). This provision is for the merging of any parcel of land that does not conform to zoning dimensions if there is continuous frontage and one owner. Lot 275, even when merged, does not conform to the RS-40 district. The Chair stated that the application is requesting that one non-conforming lot that was once three non-conforming lots now be subdivided into two non-conforming lots. He stated that this is an unusual request and one that he usually opposes, but that the two non-conforming lots will still be larger than the others in the neighborhood. The rest of the neighborhood (McCann Street) is an RU-20 zone, with small lots.

The following exhibits were entered into the record:

- P1) Application for certificate of zoning compliance (2-21-13), application for hearing before Zoning Board of Review (2-21-13)
- P2) Letter signed by the applicant explaining the request, not dated.
- P3) Abutters List, Plat 1, Lot 275, not dated.
- P4) 4-page document (including cover sheet) showing lots on tax assessor’s map as separate lots and as merged parcel, page 4 is a copy of page 21 from the Zoning Ordinance (section 5.5).
- P5) Subdivision Plan, Plat 1, Lot 275, Rev. 1, 2-12-13, stamped and signed by Philip S. Mancini, Jr., Professional Land Surveyor
- P6) 200’ Radius Plan, Plat 1, Lot 275, 12-14-12, stamped and signed by Philip S. Mancini, Jr., Professional Land Surveyor
- P7) Subdivision Plan, Plat 1, Lot 275, 12-21-13 (WITHDRAWN due to P5 being the revision of this plan, making this document irrelevant to the application)
- P8) 4 photographs of the neighborhood showing property and neighborhood from different views

Mr. Pontarelli explained that he had purchased the land in 2004 with plans to build a home, but due to health problems he was not able to construct the dwelling. He now has changed his plans to build a house on the land, and would like to sell it, but it has since been merged into one lot. He would like to subdivide the land as indicated on P5. Mr. Fleury submitted a copy of the original transfer of property, explaining that the deed still shows 3 separate lots. Because this document is the original, it could not be given to the Board as an exhibit, but the Board reviewed it as an information-only document. Mr. Fleury also displayed photographs (P8) of the neighborhood to illustrate the character of the homes and lots existing on McCann Street. He stated that the other properties on McCann Street are zoned RU-20, so using that zoning as a reference, the proposed lots are not out of character.

Mr. Fleury stated that, as shown on P5, the proposed lots will be 9,989 square feet and 12,801 square feet. They would have been more equally divided, but parcel 2 has a slightly irregular shape, so it is proposed as slightly bigger than parcel 1.

Mr. DiNunzio asked about the deed descriptions and if it being written as three separate lots would affect the future selling of the land. Mr. Archambault said that if the request is approved the land will be subdivided and the deed descriptions will be rewritten.

The Chair opened the meeting to the public. Abutters Edgar and Therese Ledoux of 6 McCann Street were sworn in by the stenographer. They did not state opposition to the request, but were present to ask about what type of building would be allowed on the new lots. Mrs. Ledoux was concerned about possible condominiums or multi-family homes. Mr. Pasquariello stated that zoning would allow only a single-family home on each lot. The Chair added that the houses built will likely be similar to the rest of the neighborhood. Mrs. Ledoux stated that she has no objection to a small home on each lot.

The Chair asked Mr. Fleury to explain why this request was not strictly for financial gain. Mr. Fleury stated that the rest of the neighborhood is RU-20 and he doesn't know why this property is designated as RS-40. This zoning places the restriction on the land that doesn't exist for other properties in the neighborhood.

No one else was present to speak for or against the application. The Chair closed the public hearing at 8:24 pm.

Mr. DiNunzio made a motion to approve the application of Anthony and Elaine Pontarelli, requesting relief from section 5.6.2, also a dimensional variance from section 5.5, "District Dimensional Regulations," subsection 5.5.1, residential district. Locus is McCann Street, Plat 1, Lot 275. Zoning District: RS-40. Mr. Marcantonio seconded the motion. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Pasquariello, Mr. DiNunzio, Mr. Marcantonio. Motion passed, with a vote of 5-0.

Mr. Scarpelli made a motion to adjourn at 8:25 pm. Mr. DiNunzio seconded the motion, with all in favor.