

North Smithfield Zoning Board of Review  
September 10, 2013 7:00pm  
Kendall Dean School  
83 Green St., Slatersville, RI

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

1. Roll Call

The Vice Chair stated that he will be running the meeting in the absence of Chair William Juhr.

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

2. Mr. Scarpelli made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, August 27, 2013.

Mr. Martin made a motion to approve the minutes of August 27, 2013. Mr. DiNunzio seconded the motion, with all in favor.

4. Moved up on the Agenda was the continued application of Rockcliff Farms, LLC, seeks to modify the special use permit granted on April 10, 2003 for the construction of 71 two-bedroom condominium units and one 6000 sq ft, two-story commercial office building. Locus is 40 Old Louisquisset Pike, Plat 13, Lot 18. Zoning District: RS.

Mr. Scarpelli read into the record a letter rescinding the application to modify the special use permit from Attorney Michael Kelly, attorney representing the applicant dated September 9, 2013: Based upon the feedback from unit owners at the last Zoning Board meeting and our subsequent meetings with the unit owners to address their concerns, please be advised that we respectfully request that our application be withdrawn at this time. Our client will be proceeding with the project as approved, including the office building. Mr. Scarpelli stated that this will close the application for the modification of the special use permit. Attorney Nicholas Goodier was a representative from Michael Kelly's office said as a courtesy he was at the meeting to advise the board of the correspondence.

5. Continued 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. Scarpelli stated the first thing to do is enter the Exhibits from the original application as part of this application.

## **EXHIBITS**

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). 2 pages
- P2) Letter signed by the applicant explaining the request, not dated. 1 page
- P3) Abutters List, Plat 1, Lot 275, not dated. 2 pages
- 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). 4 pages
- 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) A drawing that the Planning Board used in their meeting as a reference on revision date 6/1/2013. 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) The approved Planning Board minutes dated July 18, 2013. 3 pages
- P9) The Minor Subdivision Preliminary Plan Decision of Approval by the Planning Board. 3 pages
- P10) A memo from Attorney Stephen Archambault, Town Solicitor dated July 18, 2013. 1 page

Mr. Anthony Pontarelli was sworn in by the stenographer. Mr. Marcantonio asked Mr. Pontarelli to confirm the lot sizes: parcel 1 - 10,723 sq ft and parcel 2 – 12,067 sq ft. Mr. Scarpelli said the same map and dimensions as the Planning Board used to make their decision.

Mr. DiNunzio made a motion to approve the application for the division of the land only. Mr. Marcantonio seconded the motion. Mr. Marcantonio said they are just approving the lot sizes not approving any dimensional variances for a house to be built. Mr. DiNunzio wants to make it clear to everyone that if Mr. Pontarelli wants to put a house on one of these lots it has to qualify for all Town requirements and Mr. Pontarelli will need to return if any variances are required. Mr. DiNunzio stated his motion is to approve the division of the land and anything after that depends on Town rules. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Martin, Mr. Marcantonio and Mr. Pasquariello. Ms. Overfield does not have to vote. Motion passed, with a vote of 4-0.

Mr. Scarpelli will write a decision and send to the Zoning Secretary to be distributed to the Board and then presented at the next Zoning Board meeting for approval and then filed.

6. Discussion regarding the Zoning Application process, administration and distribution of documentation.

Mr. Scarpelli wanted to wait for Mr. Jühr to discuss and suggested that the board table this for the next meeting. Mr. DiNunzio made a motion to table this discussion for the next meeting. Mr. Pascarelli seconded the motion with all in favor.

Building and Zoning Official Robert Benoit stated that Diane, the Zoning Board Secretary, works for the Town on a part-time basis and has a full-time job with the same hours as Town Hall. The last couple of weeks she has received a number of emails requesting all kinds of information that she is not able to get because her hours are the same as Town Hall and she can't do this during the day. We are getting a lot of requests for documentation which should be asked of the applicant. Mr. Scarpelli said at the last meeting the board said to the applicant they did not need to bring anything to the next meeting and that may not have been correct. Mr. Benoit said as far as the minutes and documents for Rockcliff back to 2003, the board should have asked the applicant so let them do the work. Mr. Benoit said Diane is not available to do this. Mr. Scarpelli said if they discuss the procedures at the next meeting they will bring this up.

Mr. DiNunzio made a motion to adjourn at 7:20 pm. Mr. Martin seconded the motion, with all in favor.