

North Smithfield Zoning Board of Review
November 26, 2013 7:00pm
Kendall Dean School
83 Green St., Slatersville, RI

The Chair called the meeting to order at 7:10 pm.

1. Roll Call

Present: Chair William Juhr, Vice Chair Steve Scarpelli, Scott Martin, Vincent Marcantonio.
Absent: Mario DiNunzio, Paul Pasquariello, and Susan Overfield. Also present was Town Administrator, Paulette Hamilton, Building and Zoning Official Robert Benoit, Town Planner Robert Ericson, Assistant Town Solicitor Stephen Archambault and Town Council liaison to Zoning Board of Review and Planning Board Paul Zwolenski.

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

3. Approval of minutes, November 12, 2013.

Mr. Marcantonio made a motion to approve the minutes of November 12, 2013. Mr. Scarpelli seconded the motion, with all in favor.

4. Discussion regarding the Zoning Application process, administration, communication, board written decisions and distribution of documentation.

Mr. Juhr said it was brought to his attention that the Town Administrator had concerns and issues about communication with the board and departments in Town.

Ms. Hamilton didn't have issues but wanted to get together with the board and look at the whole zoning application process and how it relates to the goals and mission of the Town to make it business friendly and easy for the applicant to go through the process. She has been working at a state level and a direction they may be going.

Ms. Hamilton has been working with the Building and Zoning Official and going to other communities trying to find ideas. Bristol has a good selection of brochures that people can find Frequently Asked Questions on how to go through the application process. The Town Clerk and Mr. Benoit have been working on the wording for North Smithfield to create these brochures as a guideline for expanding new businesses. The Town of Bristol brochure has a list of other departments that the applicant may need to contact which is very helpful. Ms. Hamilton will provide the board with a copy to review. This will be also be put on the website once finalized.

Mr. Juhr said the Zoning Board makes its decisions based on certain sections of the North Smithfield Zoning Ordinance revised 2006. When an application comes in Mr. Benoit outlines

why it needs to go before the board based on the section of the Zoning Ordinance. The board reviews the facts and deliberates and makes a decision.

Mr. Benoit stated the brochure is very useful as it guides the applicant through all steps if it has a proposed business to start in the Town. The first step is at the Building Official's office to apply for zoning compliance and if it is a permitted use or if requires zoning board approval then it gives steps as to which departments it needs to go to. It will be very useful to all applicants.

Ms. Hamilton mentioned a checklist that was used in the past but not used any longer where every department would check off. This will give people as much information up front and they can review the brochure on the website first to see what is required.

Mr. Ericson said people who walk in his office are not computer people and this will reach half the people on the website. They now have a monthly development meeting and everyone learns from the process. Ms. Hamilton said the monthly development meeting is informal with Planning, Zoning, Assessor, DPW and Fire Marshall anyone who can assist a new applicant. The information solidifies the need for the team approach working for the residents. They are looking at ways to improve the process.

Mr. Juhr said the board has not been consulted on anything for the website for zoning. Mr. Juhr thought this meeting was about a problem but Ms. Hamilton said it has to do with communication in general. The website is the best it has ever been.

Mr. Zwolenski said the first point of contact was the Zoning and Building Official to see if it was zoning compliant and if it involved new business in Section 17 it would go to the Planning Department. Now the departments are split up in different buildings making it difficult and frustrating to applicants. It would be good to have the Tax Assessor in close proximity and get all these departments to one central location. Mr. Ericson said they signed a contract with an architectural firm to review four buildings for reuse that would combine administration for the School Department and all Town Departments.

Mr. Juhr said the communication with Planning and Zoning Departments has been good. Mr. Ericson said the communication has been good. There was discussion about the Pontarelli case. Mr. Benoit said the applicant requested to go before the Zoning Board before the Planning Board to get a variance. Mr. Ericson said if the board grants a subdivision in the decision it is not consistent with state law. Mr. Ericson said Mr. Pontarelli got the variance and asked for certain setbacks and received them all. The board cited the whole section and Mr. Pontarelli got all dimensional variances. The problem came when the Zoning Board came back with subdivision approval in the decision created a problem for the Planning Board.

Mr. Juhr stated he has been writing decisions and has asked if the Assistant Solicitor could help. In the past the Town Solicitor wrote the decisions. Mr. Juhr said the ZBR Secretary is not trained to write decisions nor are the volunteers on this board. In the Grow Smart Workshop, North Smithfield was the only Town that did not have legal counsel writing decisions. Mr. Benoit said in the past 30 years the only Solicitor who wrote decisions was Mr. Rossi. Mr. Benoit stated the board members would write their facts and decisions and give to the Zoning Secretary who

would write them up and go back to the ZBR for review and approval. Mr. Juhr is uncomfortable with the Secretary and the board members writing decisions as they are not legally trained and would like the Assistant Solicitor to help. Mr. Juhr said Mr. Archambault takes copious notes that have no use if not used after the fact and can be used to help create the decisions. Mr. Zwolenski has concerns that there are no legal counsels writing decisions and would like to have Mr. Archambault review the decisions before they are final. Mr. Archambault said it wasn't part of the scope of duties when he interviewed but is open to write decisions. Mr. Archambault suggested having a template, good records and work from that. Mr. Juhr said we need to have good minutes to use for the decision. Mr. Juhr said the previous ZBR Secretary would write generalized and summarized minutes and the current ZBR Secretary would write very detailed, almost word for word, the closest you can get to a transcript and would like to keep that way.

Mr. Juhr would like Mr. Archambault to take the first shot at writing the decisions based on his notes and the Zoning Board Secretary provides the minutes and exhibits. Mr. Archambault would like the board's email addresses to keep dialog going back and forth. Ms. Hamilton will go before the council for approval of Mr. Archambault's services.

Mr. Ericson is trained in land law and writes the decisions of the Planning Board and runs any questions by the Town Solicitor.

Mr. Juhr said the Zoning Board is strong and cares about the Town and the neighborhoods and gives everyone a fair shake. Mr. Archambault said the board members are all objective and professional.

Ms. Hamilton stated the Zoning Board members are doing a very good job and appreciates their work. She would like to continue the conversations and will visit with the board periodically. Ms. Hamilton has been working with Leslie Taito from the Department of Administration on statewide permitting and North Smithfield is first on board. Mr. Benoit and Mr. Ericson have been working on mapping the Zoning and Planning application and in the process over the next couple of months to share with four other communities that are doing this.

Mr. Archambault said Ms. Taito has been assigned by the Governor to work on this project. North Smithfield was the lead town and has the opportunity to set a benchmark. Mr. Ericson stated a lot of towns have the Planning, Zoning and Building Process done electronically. Mr. Juhr had asked the Zoning Board Secretary to provide previous minutes and found out the Zoning Department does not presently preserve electronic formats of minutes, application, decisions, exhibits, etc. Mr. Ericson said the Planning Department has a complete digital format. Mr. Benoit said they are in paper format in the Town Clerk's Office. Mr. Juhr suggested we do this going forward.

Mr. Juhr said when the previous ZBR Secretary was the Zoning Board Secretary and Planning Board Secretary; she was responsible for putting the minutes on the Secretary of State website. The entire year of 2013 except March was not posted. Diane stated that Zoning Board minutes have all been posted to the website except June 2013. Mr. Ericson said the minutes are only on the Town website for six months. Mr. Juhr asked Mr. Ericson to check the Planning Board minutes to be sure they are on the Secretary of State website.

Mr. Martin asked for a new Zoning Ordinance book. Mr. Ericson said it is finished by sections. Ms. Hamilton said it will be on the website and you can search electronically. A new book will be provided to the board.

Ms. Hamilton said this was a good and helpful meeting.

Mr. Scarpelli asked to add to the Agenda the 2014 Zoning Board of Review meeting schedule that was sent to the board members prior to this meeting. The meetings are held on the second and fourth Tuesday of each month and noted November 11, 2014 is a holiday so the meeting will be moved to Wednesday, November 12, 2014. A motion was made by Mr. Scarpelli to put the 2014 Zoning Board of Review meeting schedule on the Agenda, seconded by Mr. Martin with all in favor.

5. Mr. Scarpelli made a motion to adjourn at 8:15 pm. Mr. Martin seconded the motion, with all in favor.

Submitted by Diane Agostini