

North Smithfield Zoning Board of Review
September 23, 2014, 2014, 7:00pm
Kendall Dean School
83 Green St., Slatersville, RI

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

1. Roll Call

Present: Chair William Juhr, Vice Chair Steve Scarpelli, Scott Martin, Paul Pasquariello, Mario DiNunzio, Vincent Marcantonio, and Robert Najarian. Also present was Asst. Town Solicitor Stephen Archabault and Building and Zoning Official Robert Benoit.

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

3. Approval of minutes, January 14, 2014.

Mr. Scarpelli made a motion to approve the minutes of January 14, 2014. Mr. DiNunzio seconded the motion, with all in favor.

4. Approval of minutes, July 22, 2014.

Mr. Scarpelli made a motion to approve the minutes of July 22, 2014. Mr. Marcantonio seconded the motion, with all in favor.

5. Approval of the written decision regarding the application of Arista North Smithfield, LLC requesting a dimensional variance from Section 6.17, "Sign Regulations", subsection 6.17.6 of the Zoning Ordinance. Locus is One Eddie Dowling Highway, Plat 21, Lot 33. Zoning District: Highway Business.

A motion was made by Stephen Scarpelli, seconded by Scott Martin, to approve the written decision for Arista North Smithfield, LLA granting of a dimensional variance. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Martin, Mr. Pasquariello, and Mr. Marcantonio. Motion passed, with 5-0.

6. Approval of the written decision regarding the application of Anthony and Elaine Pontarelli, requesting a dimensional variance from Section 5.5, "District Dimensional Regulations", subsection 5.5.1 residential districts, for the purpose of constructing single family dwellings. Locus is McCann Street, Plat 1, Lot 275. Zoning District: RS-40.

A motion was made by Mr. Scarpelli, seconded by Mr. Pasquariello, to approve the written decision for Anthony and Elaine Pontarelli granting of a dimensional variance. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Martin, Mr. Pasquariello, and Mr. Marcantonio. Motion passed, with 5-0.

7. Application of Town of North Smithfield, owner, along with North Smithfield School Department, Applicant, requesting a Special Use Permit from Section: 5.4.12. Sub Section: 2 of the Zoning Ordinance. Locus is Greenville Road, Plat 15, Lot 44, Zoning District: Rural Residential.

Mr. Juhr reviewed the Exhibits.

P1) Town of North Smithfield application for certificate of zoning compliance, right hand corner dated 8/22/14, 3 pages, Application No: ZC-2014-49. Second page, Application for Hearing Before Zoning Board of Review, ZC-14-49, dated 8-19-14, for Special Use Permit Section 5.4.12 "Accessory Uses" Sub Section (2) Storage of school buses on school property. Third page is description of project plan, but had no identification as to who wrote the document, no letterhead, date, or signature. Superintendent, Mr. Stephen Lindberg was sworn in. Mr. Lindberg stated he wrote the document on 8-18-14 to described the scope of work.

P2) Abutters List (16 abutters). Mr. Juhr emailed the Building Official on 9/15/14 after noticing the DOT was not on the list. The Building Official did notify the DOT and DOT was added to the Abutters List.

P3) Printout of the Zoning Ordinance, Section 5.4.3. Office uses, 2 pages, page 5-8 and page 5-18.

P4) Radius Map, AP 15/Lots 44 & 45, stamped by Joseph Casali, registered Professional Civil Engineer, date 8-11-14, Project # 14-30f.

P5) Bus Loop parking overnight drawing. Mr. Juhr asked for specific information in the same email and this drawing was provided. Drawing No. C300, issued 2-Sep-14, by RGB.

P6) Letter from the Town Planner, Robert Ericson, dated Sept. 19, 2014. This document was provided by the Building Official before the meeting.

Attorney Mark Welch representing the School Department was in attendance. Mr. David Dequattro, principal licensed Architect from Robinson Green Beretta was sworn in. Mr. Dequattro stated he designed the original plan, Exhibit P5, for the Middle School that started in 2004. The only changes were the yellow lines and the request to park buses overnight. The PAP permit was approved by the DOT for the original plan and was designed for 13 regular buses. Mr. Lindberg said the fire zone was extended. Mr. Lindberg said the overnight parking would be parallel as in drawing. The buses are parked along the curb now waiting for the students. Mr. Martin has safety concerns with backing the buses up. Mr. Lindberg stated the last activities would be after 4:15 p.m. in the gym or sports activities.

Mr. Dequattro stated he was the architect for the original plan and overnight parking was not discussed as part of the original plan. The Fire Department did not provide a letter of recommendation for this project. Mr. Welch was unaware that a letter was needed. Mr. Dequattro

said the Fire Dept needs 20' distance for the apparatus vehicles. Mr. Lindberg said the Fire Dept came in June and again in July and the Fire Lane met their requirements. Mr. Lindberg said there are 419 parking spaces excluding handicap and the proposal will not add additional parking spaces. No issues with parking for drivers or monitors. There will be 13 or 14 drivers and 13 or 14 monitors. Typical size of a school bus is 10' wide and 40' long according to Mr. Dequattro. Mr. Welch said there will be surveillance cameras on the buildings for security. The proposed school bus parking area is located between the Middle School and High School in the school bus turn-around area.

Mr. Lindberg stated there were three bids and DATTCO was the low bidder with new buses to offer. The property on Comstock Rd. where the buses were previously parked is owned by First Student and they won't lease the property to DATTCO. Mr. Jühr said he has concerns with the diesel fuel smell, the VOC particulate emissions and the possibility of these emissions and pollution to enter the school's ventilation system as well as the same impact to the closest neighbors. The proposal has 14 school buses to be parked in the alcove bus turn-around area which is in a very confined space. Mr. Jühr has concerns as it relates to the fuel capacity of each of the buses, the fact that each bus has the capacity to hold 65 gallons of fuel times 14 buses means about 1000 gallons of fuel will be stored in that confined parking area. To this point the Town's school buses were never stored or parked in an open unsecured area without fencing. Mr. Lindberg said the three year contract has already been signed and said they will need to go back to the School Committee to find another parking area if not approved. Mr. Lindberg said the school pays for the fuel and they have a conservative estimate on the low side of fuel cost. Fueling will take place at the town's Highway Garage. Buses will only be used in North Smithfield not in any other community. The calculations for the fuel consumption were based on the shortest route which included driving over the Stone Bridge, however the school buses are not allowed to drive over that bridge. Mr. Marcantonio asked if the buses will be driving over the Stone Bridge? Mr. Welch said no. Mr. Lindberg said the buses were parked at the Comstock Rd. location in the past which is a secure fenced in facility.

Mr. Lindberg stated DATTCO would put \$27,000-\$28,000 into the Andrews School building for use as a dispatch terminal. Mr. Benoit stated he first heard about the school bus proposal a few months back in June when they met at the site. Mr. Benoit had no idea when the contract was signed.

Mr. Lindberg stated the School Committee approved the bid award on March 25, 2014. The concept of exploring the agreement with DATTCO was discussed at the May 20, 2014 meeting. At the School Committee meeting on June 24, 2014, the bus contract was approved for 3 years. DATTCO provided certificate of insurance. On July 30th it was determined the final site plan – would need a special use permit and have to go before the Zoning Board for approval.

Mr. Lindberg said he didn't know about the Sept. 4, 2014 first Planning Board meeting where the proposal was denied 5-0 for the lack of a site plan and other required information. Mr. Ericson invited them back to the Planning Board on September 18, 2014. Mr. Jühr stated it was not up to Mr. Ericson to bring this project before the Planning Board. The applicant has the option by Town Charter to bring before the Planning Board or the Zoning Board. Mr. Jühr asked when the Town Administrator or Public Safety Director was notified about this plan. Mr.

Lindberg didn't know but stated the Fire Department. and Town Officials were involved in the planning in May and June. The Town Administrator helped with the town Highway Garage fueling plan and the antenna. The contract was sent to the Town Administrator in June. The School Committee voted unanimously and approved the proposed plan as a bus terminal according to Mr. Lindberg.

Mr. Anthony Kopacz, School Facilities Manager was sworn in. Mr. Kopacz is familiar with the facilities, parking and both schools ventilation systems. Ventilation system intakes are on the roof over 100' away. Mr. Kopacz background – 25 yrs in the facilities field, corporate, 22 yrs in National Guard as Operations Engineer and holds a business degree. He stated the ventilation system comes on at 6:15 am; 419 parking spaces; no problems with parking, plenty of spaces open. Mr. Kopacz said they met with the Fire Department and needed a 20' buffer all around the parking area perimeter – they put “no parking fire zone” paint line striping down and created a no parking zone.

Mr. Kopacz said pertaining to snow removal the snow is piled near the far end circle area. Mr. Kopacz plans the day before for snow removal – his staff comes in 2:00 a.m. – 4:00 a.m. depending on the amount of snow. The buses leave at 6:15 a.m. Snow has been stacked on the island for the past 4 years. If it's snowing they are constantly plowing. At 2:15 p.m. there are 13 regular buses and 1 mini bus to pick up the kids. Mr. Lindberg said the buses are now parked in Smithfield at the DATTCO bus terminal. The bus company is responsible for cleaning the snow off the buses.

Assistant Fleet Manager from DATTCO, Douglas Eddy, was sworn in. Mr. Eddy oversees a fleet of 1600 vehicles in CT, MA and RI. DATTCO primarily use two makes of buses: 2012 and 2014 international engines fire off of compression, are not plugged in to heaters and 2012 GM small 26 passenger bus, have no updates since 2010. Mr. Eddy discussed the U.S. EPA Emissions Standards that apply to buses being used which was entered as **Exhibit P7)** U.S. EPA Emissions Standards, 1994 thru 2010, Heavy-duty NOx + HC and PM Exhaust Emissions.

Jane Tepler, Branch Mgr for DATTCO for both Smithfield and North Smithfield terminals Ms. Tepler has been working for DATTCO since October 2010. Regarding the start up of the buses – normal weather the buses run 5 minutes and colder weather (0°-32°) the buses run 15 minutes before they leave. Drivers come in 10 minutes before their schedule. Currently the buses are parked in Smithfield. When the busses are parked in North Smithfield they will be leaving between 6:15 and 6:45 am.

Mr. Eddy discussed the USEPA Certificate of Conformity 2012 Model Year document regarding the pollution. The Chair entered as **Exhibit P8)** 2 pages, USEPA Certificate of Conformity 2012 Model Year, Manufacturer, Navistar, Inc., Air Resources Board, second page, PM 0.02 for six 2012 buses with two spare buses. This would be the worst case for emissions.

Mr. Eddy discussed the USEPA, Certificate of Conformity 2014 Model Year document regarding the pollution. The Chair entered as **Exhibit P9)** 5 pages, USEPA, Certificate of Conformity 2014 Model Year, Air Resources Board, second page PM 0.02 for seven 2014 buses.

Mr. Eddy discussed the document General Motors LLC, 2014 Model Year vehicle for the 26 passenger bus, the 14th bus. The Chair entered as **Exhibit P10**) 4 pages, Air Resources Board, General Motors LLC, 2014 Model Year, PM 0.02 for one bus, dated 14th day of May 2013.

Mr. Scarpelli asked if diesel fuel leaked do they have spill containers. Mr. Eddy stated the Fire Marshall Code didn't require spill containers for parking lots. Full size buses hold 65 gallons of diesel fuel and the mini bus holds 30 gallons of diesel fuel. Mr. Dequattro stated the well water at the school is 2,000' radius from the buses and is located between the baseball fields and turf field in the back of the complex.

Thomas E. Hamilton, Engineer with Occupational Health & Safety Environmental Consultant (OHI) since 1989. Mr. Hamilton prepared the report regarding noise exposure. Attorney Welch said he just received the document this evening and didn't have copies for the Zoning Board. Mr. Jühr said its always best to get a document of this size prior to the meeting to review so the board can ask informed questions and collect all the required facts to make a sound decision. Mr. Lindberg went to school administration offices upstairs to make copies for the board. Mr. Welch said the noise issue arose last week. Mr. Archambault stated the test for special use permit in our Zoning Ordinance 9.2 and as Mr. Welch, the attorney for School Board, said it's one of the factors the board will consider but it is not a requirement to provide the document. Mr. Archambault suggested the board take the document as part of the exhibits and listen to testimony by the expert – his legal opinion. The Chair entered document as **Exhibit P11**) OHI Occupational Health & Safety, Environmental Consultants, dated September 23, 2014, signed by Jay McNeff and Thomas Hamilton, 23 pages, last page 11 of 11. A Noise Exposure Assessment was conducted. Mr. Lindberg made copies and disbursed to the board at the meeting.

There was an outburst from one of the abutters Mr. Bruce Goodwin in the audience and Mr. Jühr asked him not to continue to speak out of turn or he will have to leave the meeting. Mr. Archambault said he understood the audience was frustrated with the attention to detail and wanted to speak on the proposal but said the documentation is needed for the board to collect the facts in order to make an informed decision. Mr. Archambault advised to let the testimony be put before the board in its entirety so the board can make an informed decision.

Mr. Hamilton stated the noise test took place in the afternoon on Sept. 22, 2014 – criteria met the allowable level ambient noise level at 4 locations with 13 buses running. There was no increase in ambient noise levels when the buses were running. Mr. Scarpelli asked if there would be a different noise reading at 6:00 am versus 2:00 pm in the afternoon. Mr. Scarpelli asked wouldn't it have made better sense to do the testing at the 6:00 am time when the buses would be leaving to pick up the students and the noise would be the most intrusive on the surrounding neighborhood. Mr. Marcantonio asked about the Noise Ordinance and what the range 65 – 69 dBA represents. Mr. Hamilton stated the range is what is heard in an office building with the air conditioner running - below speech interference. Mr. DiNunzio stated if the testimony is there is no significant noise level impact to move on with the testimony.

Members from the audience:

Ralph Sullivan, Jr. was sworn in. Mr. Sullivan asked if they put more buses would they need to go before the board again. Yes

Susan Landy was sworn in. She asked about fencing in the area – Mr. Welch stated there will not be fencing only surveillance cameras. DATTCO was the lowest bidder. Ms. Landy asked about school bus emissions. She mentioned it seems the big selling point was the Andrews School - \$28,000 building improvements would be included in the contract. She asked what is the Town or School getting in return to park the buses on school property and a town supplied dispatch office, will the town receive any rent? Who will be paying or covering water and utility bills. RI Law stated 5 minutes idling time for the buses. Discussion about mileage and gas, concerns with the noise and smell of diesel fuel at the nearby homes.

Bruce Goodwin was sworn in. He asked about the three year contract – would the buses be parked over the summer during the next three years. Mr. Welch stated yes, the DATTCO plan was to have the buses parked at the school year round. Mr. Goodwin asked if the contract was signed to pick up students from home and bring the students home and Mr. Welch said yes. Mr. Goodwin stated it is DATTCO responsibility to find suitable parking, a dispatch office and a fueling depot, not the Town of North Smithfield or the School Department. The town has no obligation for parking 14 buses with the onboard fuel between two schools. This is DATTCO's problem.

A question was asked what would happen if the student population increased over the next three years, how would they add a new bus? Robert Meo, North Smithfield School Department Transportation Director responded that over the last 2 years the number of buses has decreased and the buses are currently running at 70% capacity with plenty of room for additional students. Mr. Meo stated the bus routes had to be adjusted at Marshfield Commons with another bus picking up 30 additional kids in that area. Mr. Lindberg stated all the buses used will be three years old or newer over the 3 year contract.

Naome Zuba was sworn in. She asked if the buses would remain there over the summer and she stated there is a lot of traffic at the corner. She asked why there was not a plan to secure the area with fencing. Mr. Welch stated DATTCO is agreeable to any stipulation and will move the buses if necessary during the summer months. Mr. Lindberg said they may need 2 buses for the summer extended program.

Mr. DiNunzio asked if there was ever any consideration for an alternate site. Mr. Lindberg said they did not look for an alternate site. Mr. Jühr asked why the Fire Marshall did not give a letter of recommendation to the Town or Public Safety Director. Mr. Lindberg stated he didn't know it was necessary.

Mr. Jühr closed the public hearing from testimony at 9:30 p.m.

There are five voting members: Mr. Jühr, Mr. Scarpelli, Mr. Martin, Mr. DiNunzio and Mr. Pasquariello. By town Charter the approval of a Special Use permit requires a 4-1 or better vote. Mr. Jühr said he is not in favor of the proposal and cannot support it, he feels it is a bad idea and has great concerns regarding the public safety aspects of the proposal. Mr. Martin suggested that

the plan may be better suited to have the school buses parked at the town's Highway Garage, which is already fenced in, secured and is where the school buses will be fueling anyway. Mr. DiNunzio asked if they could approve the application for one year with restrictions – no parking when school term ends in the summer with the exception of two special needs buses with the extended program. Mr. Archambault said they could restrict to one year.

Mr. Jühr discussed the Planning Board recommendation on September 18, 2014 and said it was a very timid one to say the least stating “Cynthia Roberts moved that “the Planning Board recommends approval of the application with special attention to particulate dispersion, decibel readings and strict conformance to plans and testimony, with restriction to accessory use for education.” These issues were reviewed at length. The idling time required 15 minutes warm-up when temperatures fall to 20 degrees or lower and the testimony stated the buses would be leaving at 6:30 to 6:45 at least ½ hour after the school ventilation system is automatically turned on. At the Sept. 4, 2014 meeting, the Planning Board voted 5-0 to deny the proposal, but only for lack of sufficient information.

Mr. Pasquariello was concerned with the Planning issues and on Sept. 4, 2014 the Planning Board did not recommend approval. He asked who would police or enforce the area after one year if there was a stipulation. He didn't want to make the Town spend more money to come back after one year. This location was not designed as an overnight parking terminal but as a transfer station and turn-around and it would not be right to put restrictions or stipulations.

A motion was made by Mr. DiNunzio, seconded by Mr. Scarpelli, to approve the application for a special use permit for one year with no parking in specified area when the school term ends in the summer with the exception of two special needs buses for the extended program, limited to 14 buses with restriction to accessory use for education.

Roll call vote was as follows: NO: Mr. Jühr, Mr. Scarpelli, Mr. Martin, Mr. DiNunzio and Mr. Pasquariello. Motion failed. 5-0

Mr. Scarpelli made a motion to adjourn at 9:45 p.m. Mr. Martin seconded the motion, with all in favor.

Submitted by Diane Agostini