

North Smithfield Zoning Board of Review
April 14, 2015, 7:00pm
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, Vice Chair Steve Scarpelli, Mario DiNunzio, and Vincent Marcantonio. Also present was Asst. Town Solicitor Stephen Archambault, Building and Zoning Official James Cambio. Absent: Scott Martin, Paul Pasquariello and Robert Najarian.

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

3. Approval of minutes, March 24, 2015.

Mr. Scarpelli made a motion to approve the minutes of March 24, 2015. Mr. Marcantonio seconded the motion, with all in favor.

4. Discussion, by Zoning Board of Review, status update, vote or other action on the application and written decision for Wide World of Indoor Sports requesting a special use permit for an Indoor Recreation Facility from Section 5.4.6.9 located at 621 Pound Hill Road, NorthSmithfield, AP 8, Lot 299. Zoning District: Manufacturing.

Mr. Juhr stated the decision was received by email on April 13, 2015. Mr. Juhr asked Asst. Town Solicitor Stephen Archambault how to enter the pictures he took of the area they want to put the building on that is full of parking. This was discussed at the March 24th meeting as part of the file or to supplement the packet. Mr. DiNunzio suggested adding the material that was discussed at the March 24th meeting as an amendment to the decision. Mr. Archambault stated the pictures would be a supplemental part of the proceedings because it was brought up during the testimony. Mr. Archambault suggested making a motion to amend the decision to add the supplemental package and to mark as Supplemental 1, second it and vote on it and then vote on the decision as a whole.

Mr. DiNunzio made a motion to approve the decision. Mr. Scarpelli seconded the motion, with all in favor. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Scarpelli, Mr. Marcantonio and Mr. Juhr. Motion passed unanimously, with a vote of 4-0. Mr. DiNunzio made a motion to append the material as a supplement to the decision. Mr. Scarpelli seconded the motion, with all in favor. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Scarpelli, Mr. Marcantonio and Mr. Juhr. Motion passed unanimously, with a vote of 4-0.

5. Request to appoint a member to the new ad hoc committee for reviewing ordinances.

Mr. Jühr stated in the past, members from the Planning Board and Zoning Board would be part of the review committee. Mr. Najarian emailed Mr. Jühr that he was interested in being the member from the Zoning Board. Mr. Jühr stated Mr. Najarian is doing a great job, and he is a clear thinker. A motion was made by Mr. DiNunzio to nominate Mr. Najarian to the ad hoc committee, seconded by Mr. Scarpelli with all in favor.

6. Application for Parul Butala, Planning & Zoning Manager for AMERCO Real Estate Company, requesting a special use permit for an internal, climatized, self-storage facility from Section 5.4.8, Subsection (8) located at 408 Eddie Dowling Highway, North Smithfield, AP 13, Lot 150. Zoning District: Business Highway (BH).

Sandra Jean Gardner and Donald J. Riley were sworn in.

Mr. Jühr reviewed the Exhibits.

P1) Town of North Smithfield Application for Certificate of Zoning Compliance, Application No ZC-15-10, 1 page, stamped left hand corner dated August 28, 2014 6:39PM, with a date of 1/21/15 signed by the Tax Collector, MJ.

P2) Acknowledgment signed by the applicant agent, Ustella, that all information was received and understands the fees and costs. Application No: 2015-10, location 408 Eddie Dowling Highway, Plat 13, Lot 150, Zoning District: Business Highway (BH), 1 page, dated 12/16/14.

P3) Application for Hearing before Zoning Board of Review, ZC-2015-10, the date is blank, a fee of \$250 was paid, for Special Use Permit, Plat 13, Lot 150, for proposed internal climatized self storage, see site plan, Section 8.5, Special Use Permit required by Section 5.4.8, Subsection 8, signed by the applicant. Address of Applicant/Agent is 2727 N. Central Ave, Ste 500, Phoenix, AZ.

P4) Abutters List (14 abutters) dated on the right hand side 1/9/15, stamp and signature Norbert Therien, land surveyor, engineer, professional surveyor, 1 page.

P5) Radius Map, 1 page, bottom right hand corneer says AMERCO U-Haul, Plat 13, Lot 150, drawn by J.E.S., checked by N.A.T., December 2014, Job No. 2014-256, sheet 1 of 1.

P6) Site Plan, stamped Norbert Therien, professional land surveyor, No. 1739, dated 1/21/15, bottom right hand corner identification number 796028, drawn by BLC, checked by NH, date 1/14/15, 1 page.

P7) Topographical site plan, 2 pages, top left corner American National Commercial Real Estate Due Diligence Management, 3465 South Arlington Road, Suite E, # 183, Akron, Ohio 44312, sheet 1 of 2. For sheet 2 of 2, American National Commercial Real Estate Due Diligence Management, 3465 South Arlington Rd, Suite 183, Akron, Ohio, Surveyor's Metes and Bounds.

P8) Letterhead AMERCO Real Estate Company, dated December 8, 2014 to Mr. Robert Benoit, Zoning Official stating AMERCO Real Estate Company ('AREC'), a Nevada Corporation (the real estate branch for U-Haul), owns the U-Haul of North Smithfield located at 408 Eddie Dowling Highway. Currently, U-Haul operates 'truck and trailer rental/leasing.' We are submitting this application for a 'Certificate of Zoning Compliance'-for the use of 'self-storage' signed Parul Butala, Planning & Zoning Manager.

Sandra Jean Gardner said they are renting out usage of trucks and selling boxes – trying to find out which services fit the community in the building they currently have and would like to offer climatized storage, individual rooms for people's belongings for only indoor storage. Currently they have an empty box and would like to build into the back of the building and utilize the space that is there. They do not want to touch any of the existing building.

James J. Long, the contractor, was sworn in. The facility was mixed use – they have an office area in the front, also a smaller area where they are selling the boxes and running trucks and the rest of the facility is open space. They received a demolition permit, and proceeding with the fire department, and all appropriate boards to go forward with the construction process. Instead of using a mixed-use facility, they want to use strictly as a storage facility, interior, and the outside of the building stays the same. Storage will be inside in a high security application.

Customers would access the building through overhead doors already in place in the back of the building and on the side. The inside storage sizes will vary from 5 x 8, 8 x 10, 10 x 12 and 10 x 20. Mr. Long stated the runoff comes down from Walmart. They are talking with DEM because the building has public water supply since there was a restaurant in there at one time.

Mr. Jühr wants a stipulation that DEM be involved with regulating the storm water runoff from Walmart and Dowling Village on to the property and that U-Haul facility also be in compliance with any DEM requirements that need to take place.

Raymond Loughlin was sworn in. Mr. Loughlin came before the board about 10 years ago for a similar project across the street, New England Self Storage. At that time, there was discussion about signage, and outside doors facing out in the front of the building. Mr. Loughlin would like the same outside doors and to increase his signage. Mr. Loughlin also stated the other issue was the number of trucks and there were complaints by the neighbors.

Mr. Archambault discussed Section 9.2 Special Use Permits tests on Page 71, factors 1 through 8 of the Zoning Board Manual and would like to see if any elements can be pulled out of the testimony for the factual findings for the decision.

1) Ingress and egress to property and proposed structures thereon with particular reference to fire or catastrophe.

Mr. Riley stated there have been no issues with the fire department with respect to any issues entering and exiting the property. Mr. Cambio stated originally, the application was submitted with the building plan and an application for a permit. The fire marshal reviewed the plan and didn't like what he saw so the request for the permit was denied. U-Haul chose to go forward with the stipulation that they would provide us new building plans that the fire marshal would

review. The fire marshal was in the building a week ago and had no issues with the existing structure and how the demolition permit was proceeding and the status of the empty building. Mr. Long said two plans were submitted, the original plan is the showroom going into the rear of the building. There is an operational fire alarm system, a Dressel fire alarm system in working condition. Pole stations are still working, horn strobes are still working.

2. *Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special-use permit on adjoining properties and properties generally in the district.*

This is not applicable because they are talking about the interior of the building.

3. *Refuse and service areas, with particular reference to the items in (1) and (2) previous.*

Mr. Long stated there will be one on-site dumpster in the back (5 to 7 cubic yard) for normal weekly trash and dumpsters as needed and installed per the regulations of the zoning board.

4. *"Utilities, with reference to locations, availability and compatibility."*

Mr. Long stated they would be taking out bathrooms. Mr. Riley said about 28 toilets and sinks. Mr. Long said they have decreased the amount of utilities that are to be used.

5. *"Screening and buffering with reference to type, dimensions and character."*

There is no change to the screening, buffering.

6. *"Signs, if any, and proposed exterior lighting with referenced to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district."*

Mr. Long said all they did right now was put U-Haul on the existing signs.

7. *"Required yards and other open space."*

This does not apply.

8. *"General compatibility with adjacent properties and other property in the district."*

Mr. Loughlin from New England Self Storage discussed this.

Mr. DiNunzio made a motion to approve the application with the stipulation that the property comply with all DEM regulations, concerning water runoff, and with town and state regulations. Mr. Scarpelli seconded the motion with all in favor. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Scarpelli, Mr. Marcantonio and Mr. Juhr. Motion passed unanimously, with a vote of 4-0.

7. Adjourn

Mr. Scarpelli made a motion to adjourn at 8:03 p.m. Mr. Marcantonio seconded the motion, with all in favor.

Submitted by Diane Agostini