

North Smithfield Zoning Board of Review
August 18, 2015, 7:00 pm
Primrose Fire Station
1470 Providence Pike, North Smithfield, RI

The Chair called the meeting to order at 7:03 pm.

1. Roll Call

Present: Vice Chairman Steven Scarpelli, Scott Martin, Paul Pasquariello, Vincent Marcantonio and Robert Najarian. Also present was Asst. Town Solicitor Stephen Archambault, Building and Zoning Official, James Cambio. Absent: William Juhr, and Mario DiNunzio.

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

3. Application for Briarwood Child Academy, requesting a use variance to operate “Camp Briarwood,” a day camp for children ages 5-15 with indoor and outdoor activities Section 5.4.5, Open Recreation, (9) Day Camp located at 200 Industrial Drive, AP 08, Lot 300. Zoning District: Manufacturing (M).

Mr. Scarpelli entered the following Exhibits:

P1) Town of North Smithfield Application for Certificate of Zoning Compliance, number ZC-15-34, dated 3/9/15.

P2) Letter from Carl Johnson, Zoning Inspector, dated March 10, 2015 informing the applicant that the application was denied and they have a right to appeal from the Zoning Board.

P3) Document the applicant signs on the letterhead from the Office of Building and Zoning official that the applicant signs acknowledging that they have received all the forms, and what their responsibilities are to provide to the Zoning Board, the documents for the application, dated 7/20/15, ZC-15-34, Plat 8, Lot 300.

P4) The application for the hearing before the Zoning Board, Application No. ZC-15-34, dated 7/20/15, on Plat 8, Lot 300. The application is for a use variance from Section 5.4.5, day camp, to use the existing building for arts and crafts, games, movies, and eating; use the outdoor field for sports, water play, camp gathering, ages 5 to 15.

P5) Radius map of abutters, dated 7/21/15, 1 page, drawn by Joe Casali Engineering,

P6) Brochure for 2015 summer camp, Camp Briarwood, no date.

Peter Sangermano, owner of Briarwood Child Academy, and owner of Pound Hill Development was sworn in.

Mr. Sangermano stated he is seeking a use variance for 200 Industrial Drive. The day camp is in keeping with the abutting properties, as well as the indoor recreational facility, and also, the historical use of that property. When the O'Donnells owned the camp, the local public schools, including North Smithfield, had field trips, arts and crafts, hay rides, petting zoo, and played in the fields, as well. When I purchased the land, we had ARC of Rhode Island, later became the Homestead Group and they would transport their clients from the Woonsocket site to that facility. They made crafts and sold them in the building; they would do gardening, they would take care of the land, and it was a way for their clients to get out of the Woonsocket building and be active. Once they left, with the day care, we do nature walks with the children from the other parcel that is abutting. The building is used for different arts and crafts throughout the whole year since 2010. The day camp would fit in with that use of the property as it's been used for a number of years.

Mr. Sangermano stated he does not want to build any more structures. He is licensed under DCYF and the property has been inspected for the day care and day camp. The state fire marshal has to check the property and the state inspector prepares a report that is sent to DCYF who then issues the license.

Mr. Sangermano stated he always had a summer camp for the school-age kids, even with the day care. It was called Summer Camp RI years ago, or School-Age Camp, part of the day care. Mr. Najarian asked if Mr. Sangermano has been operating a camp there already. Mr. Sangermano said he scaled it back, even this year, and still picking up and drop-off at the day care, not at Industrial Drive. He is looking for a stand-alone day camp for next year, now with school starting in a week and-a-half. The business will not change but when licensed as a day camp he can add more kids and they will have a larger space. He would like to use it all year round for school-age children.

Mr. Marcantonio asked if the property is sewerred. Mr. Sangermano stated the building is not sewerred. It is still on a leach field, septic system and could be connected in the future.

Mr. Scarpelli addressed the tests for a Use Variance.

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to physical or economic disability of the applicant.

It is an existing building and not terribly different from what is existing right now.

2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

The applicant did not create this situation, the land, the buildings were already there. The use is already there, so he didn't create the hardship.

3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the comprehensive plan upon which this ordinance is based.

It fits right in with the area and the applicant is not altering it in any way. It is perfect for the day camp the way it is.

4. That the relief to be granted is the least relief necessary.

The applicant is only asking to use the property and buildings for what it has always been used for and nothing else.

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Mr. Archambault stated by district, if you have abutting areas in and around this project that may have come forth with the same type of relief, and they were denied that would be an issue that would have to be explored a little further with respect to this tenant. Look at any kind of zoning relief for a manufacturing district, only one applicant could come before the board, one time, for relief in a manufacturing district. This is relative to the actual applicant and the parcel surrounding him. What it means in practice, in case law, relative to the district, by district, means the areas contiguous to and surrounding this applicant. It is designed to be all inclusive.

Ellen Mary Estram was sworn in.

Ms. Estram is a teacher at Briarwood Child Academy and is part of the program with the children, stating the benefits the children would receive from the use of this area.

Melissa Punchak was sworn in.

Ms. Punchak is a parent works full time and lives in North Smithfield – her children go to Briarwood Child Academy for after school care during the school year and in the summer. Ms. Punchak said the hours are flexible and the kids enjoy being there.

David Punchak was sworn in.

Mr. Punchak loves Briarwood and likes the counselors and everyone there – it's a fun place to go.

Claire V. O'Hara was sworn in.

Ms. O'Hara is a resident and has been in the school system for over 40 years. She enrolled her grandsons at Briarwood over the summer and was impressed – the topography of the land is outstanding.

Mr. Cambio stated this was brought up because it surfaced when a safety inspection was done by the fire marshal. Mr. Sangermano invited the town to tour the property, it was inspected and everyone was fine with it. Mr. Sangermano wanted to expand and thought it was a good idea to have it officially zoned. Mr. Cambio said the applicant wanted to do it the right way.

Ms. O'Hara said it is an asset to working parents of this town and other towns to have something that is available to children.

Ericka Shea Madden was sworn in.

Ms. Madden has been a resident for 8 years and her children have been going to Briarwood since they were 18 months old. The area is put to such good use - the kids come home every day excited to be there. It's a benefit to the town.

Joshua Jordan Punchak was sworn in.

Joshua likes going to Briarwood it's a fun camp – he likes to play outside, there are all different kinds of themes – every week a new theme.

Aidan Shea Madden was sworn in.

Aidan likes going to Briarwood because the counselors are fun and the camp is fun.

The public hearing was closed.

Mr. Najarian stated it needs to be in compliance with all the laws.

Mr. Marcantonio made a motion to approve the application for Briarwood Child Academy, requesting a use variance to operate Camp Briarwood, a day camp for children ages 5 to 15 with indoor and outdoor activities, Section 5.4.5 open recreation, paragraph 9, day camp located at 200 Industrial Drive, Assessor's Plat 8, Lot 300, Zoning District Manufacturing with the stipulation that it complies with all applicable codes and regulations related to that use. Mr. Najarian seconded the motion, with all in favor.

6. Adjourn

Mr. Martin made a motion to adjourn at 7:36 p.m. Mr. Pasquariello seconded the motion, with all in favor.

Submitted by Diane Agostini