Town of Smithfield Zoning Board of Review

64 Farnum Pike, Smithfield, Rhode Island 02917 (401) 233-1039

November 1, 2023

The Smithfield Zoning Board of Review will hold public hearings on Wednesday, November 1, 2023 at 6:00 PM, at the Smithfield Town Hall, 64 Farnum Pike, Smithfield, Rhode Island. All persons entitled to be heard will be heard for or against the granting of the following applications:

I Communications / Administration

The following Meeting Minutes will be considered, discussed, and acted on: September 6, 2023

Vote to accept meeting schedule for 2024

II Public Hearings

A. Old Business

B. New Business

23-021

Heritage Hills Property, LLC as applicant and owner of property located at 80 Douglas Pike, listed at Plat 42, Lot 138 seek a variance to deviate from § 4.4.B-5 (E) "Congregate Housing, Life-Care Facility or Nursing Home" and a special use permit under §4.3.B.5 (C) "Nursing Home" to construct an addition in a Planned Development district.

III Deliberations

The following matters will be considered, discussed, and acted on for the relief requested and identified under Section II, Public Hearing: 23-021

IV Adjournment

AGENDA POSTED OCTOBER 25, 2023

The public is welcome to any meeting of the Zoning Board of Review. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager's office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.



Smithfield Zoning Board of Review Meeting Minutes September 6, 2023

Time: 6:00 pm

Place: Town Hall, 64 Farnum Pike

Members Present:

Chairman S. James Busam

Vice Chair Linda Marcello

John Hunt

Alt. Peter Libutti

Members Absent:

Edward Civito

Richard Leveille

Others Present:

Assistant Town Solicitor, David Ursillo

Zoning Board Clerk, Donna Corrao

Meeting session opened at 6:00 p.m.

COMMUNICATIONS/ADMINISTRATION

A) Approval of meeting minutes for August 9, 2023.

Motion to APPROVE the August 9, 2023 Minutes as Presented:

John Hunt

Motion seconded: Vice Chair Linda Marcello

Voting to approve the motion:

Chairman S. James Busam

Vice Chair Linda Marcello

John Hunt

Voting to deny the motion: None

The vote on the motion being 3 - 0, the motion passed.

NEW BUSINESS

Case: 22-019

Applicant/Owner: Richard McKenna

Address: 117 Williams Road

Plat/Lot: 47/23

Zoning District: R-80

Case Summary:

Richard McKenna as applicant and owner of property located at 117 Williams Road, listed as Plat 47, Lot 23 seeks variances deviate from §5.4. Table 1 "Dimensional Regulations" to subdivide a lot in an R-80 district.

Disposition:

The findings and conclusions of the Board are contained in a written resolution which has been, or will be, recorded in the Smithfield Land Evidence Records. A copy of the Resolution is available in the Building & Zoning Office, as well.

Motion to APPROVE the Request for Variances as Applied: Vice Chair Linda Marcello

Motion seconded: John Hunt

Voting to approve the motion: C

Chairman S. James Busam Vice Chair Linda Marcello

John Hunt

Alt. Peter Libutti

Voting in Opposition:

None

The vote on the motion being 4 - 0, the motion carried.

Case: 23-020

Applicant/Owner: Bryant University

Address: 1150 Douglas Pike Plat/Lot: 49/120, 125, 126

Zoning District: Planned Development

Case Summary:

Bryant University as applicant and owner of property located at 1150 Douglas Pike, listed as Plat 49, Lots 120,125 and 126 seek special use permits under 4.3.D 3 and 4.4.D.3 "Public and Semi Public Uses, College", §5.7 "Planned Development" and variances to deviate from §5.7.1.(F),(H), (T 1, 2, 3), (V), (W), (X), (Y), §4.4.D.3. (C), (D 1, 2, 3 and 4) "Public and Semi-Public Uses, College", 5.4 Table 1 "Dimensional Regulations, Building Height", and 7.4.D.4 "Schedule of Off-Street Parking Requirements, College" in conjunction with Bryant University Vision 2030 Master Plan in a Planned Development district.

Disposition:

The findings and conclusions of the Board are contained in a written resolution which has been, or will be, recorded in the Smithfield Land Evidence Records. A copy of the Resolution is available in the Building & Zoning Office, as well.

Motion to APPROVE the Request for Special Use Permit and Variances as Applied: John Hunt

Motion seconded: Alt. Peter Libutti

Voting to approve the motion:

Chairman S. James Busam

Vice Chair Linda Marcello

John Hunt

Alt. Peter Libutti

Voting in Opposition:

None

The vote on the motion being 4-0, the motion carried.

Respectfully submitted,

Donna A. Corrao, Zoning Board Clerk

Town of Smithfield ZONING BOARD OF REVIEW

64 Farnum Pike, Smithfield, Rhode Island 02917 (401) 233-1039



2024 SCHEDULE OF MEETINGS & CLOSING DATES FOR APPLICATIONS

Published in compliance with Title 42, Chapter 46, General Laws of the State of Rhode Island. All meetings will be held at Smithfield Town Hall, 64 Farnum Pike, Smithfield, Rhode Island, with meetings starting at 6:00 PM, unless otherwise stated in the official Public Notice for the meeting.

APPLICATION CLOSING DATES

SCHEDULED MEETINGS

November 22, 2023	January 3, 2024
December 27, 2023	February 7, 2024
January 24, 2024	March 6, 2024
February 21, 2024	April 3, 2024
March 20, 2024	May 1, 2024
April 24, 2024	June 5, 2024
May 29, 2024	July 10, 2024
June 26, 2024	August 7, 2024
July 24, 2024	September 4, 2024
August 21, 2024	October 2, 2024
September 25, 2024	November 6, 2024
October 23, 2024	December 4, 2024

Special meetings of the Smithfield Zoning Board of Review may be scheduled as needed, and with official Public Notice give, as required by law.

FEES: Application fee plus total postage cost for abutters' mailing and advertisement.

NOTE: Applications for <u>Special Use Permits</u> require a site plan review as required by Section 10.9 of the Smithfield Zoning Ordinance, and will, therefore be scheduled for hearing on the month following the closing date for applications.

Only *completed applications & other required documents* will be scheduled for hearings.

Application to Smithfield RI Zoning Board of Review for SPECIAL USE, VARIANCE OR APPEAL

TOWN HALL, 64 FARNUM PIKE, ESMOND, RI 02917

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	FILING FEES Applica	ation fee plus t	otal postage	cost for abutters'	mailing.	
est. 1730-173	Amt. Paid: \$ //35.	19 Amt. Due	\$	Date	Fee Paid:	9/20/23
NO'	TE: Application and d	ocumentatio	on shall be	accepted only	in duplicat	te PDF format
This APPLICATION must	t be completed in full prior nal information and materia	to being consi ls required for :	idered by the submission wil	Zoning Board of th the APPLICATA	Review. Ref ION.	er to Page Four of this
The UNDERSIGNED hereb	by applies to the Smithfield Zo	oning Board of	Review for the	following:	TION AND PUR	J.IC HEARING
	provided in Section 5.0 of the			POR CONSIDERAL	101171111111111111111111111111111111111	and individually,
2. VARIANCE from the	ne application of a requirement g Official, Planning Board Do LICATION for recorded deci	nt(s) of the ZON ecision, or Zonia	IING ORDINA ng enforcemen	t agency.		
APPLICANT: Heritage Hil	ls Property LLC		ADDRESS: 16	608 Route 88, Si	uite 200	
PHONE: 732-489-1587			Br	ick, NJ 08724		
	cant		ADDRESS:			
PHONE:						
			ADDRESS:			
existing/proposed						
PHONE:						
	90 Days	das Dika			D-1	- 44
1. Location of Property	Street Address: 80 Doug Assessor Plat No. 42	jias rike		A' I of NI	Poi	e#
	Assessor Plat No. 42			Assessor Lot N	46.04	,
	varios	75 .1	1022 ft	T-4al Amana	10.94	A oron/Co. Et
2. Size of Lot Dimens	sions: Width varies	Depth:	1022 ft.	Total Area:	10.94	Acres/Sq. Ft.
3. Zoning Designations	sions: Width varies Current Zoning District Cl	Depth:	1022 ft. Property: PD	Total Area:	10.94	Acres/Sq. Ft.
Zoning DesignationsOwnership Tenure	Sions: Width varies Current Zoning District Cl	assification of P	Property: PD		10.94	Acres/Sq. Ft.
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6. SPE	CIAL USE PERMIT (Complete this Section only if Box #1 of the Introduction is checked).
NOTE	For Special Use Permits - Three (3) copies of Site Plan and all additional material required by Section 10-9 A,B, and C of the Zoning Ordinance must accompany application.
A.	IDENTIFY proposed use, action, or activity for which SPECIAL USE PERMIT is requested.
	Applicant seeks to construct an addition to the existing nursing home facility to accommodate 12 additional single bed rooms
В.	LIST precise ARTICLE(s) and SECTION(s) of the ZONING ORDINANCE which authorize consideration of the SPECIAL USE PERMIT described in above.
	Table of uses Article 4.3 (B) 5C
C.	DESCRIBE BRIEFLY how the granting of the SPECIAL USE PERMIT will meet the requirements of Section 10-8C.2 and 3 of the ZONING ORDINANCE.
	The special use is specifically authorized by the zoning ordinance. The granting of the special use permit will not
	alter the general character of the surrounding area or impair the intent of the zoning ordinance or the Comprehensive Plan.
7. VA A.	RIANCE (Complete this Section only if Box No. 2 of the Introduction is checked). IDENTIFY proposed activity, action, or use for which VARIANCE from the terms of the ZONING ORDINANCE is requested.
	Addition to existing nursing home facility
В.	DESCRIBE applicable regulation of standard and the variance that is requested.
	Article 4.4 B-5 (E) requires the property to be served by public sewers. The property is not served by public sewers
	but rather is served by an Onsite Wastewater Treatment System (OWTS) thereby requiring a Variance. Article 4.5 and 10.8 (D) allow the granting of a special use permit and variance.
C.	IDENTIFY Grounds for VARIANCE. The APPLICANT is required to relate this APPLICATION REQUEST to the Criteria governing the Granting of a VARIANCE as set forth in Section 10-8 C.1.
	The hardship from which the Applicant seeks relief is due to the unique characteristics of the subject land. The hardship is not

the result of any prior action of the Applicant or Owner and does not result primarily from the desire of the Applicant to realize greater financial gain. The granting of the requested variance will not alter the general characteristics of the surrounding area

8.	NA:	TURE OF APPE	AL (Complete this Section only	y if Box #3 of the Introduction is checked).	
	A.	Appeal of Buildi	ing Official (Attach copy of any denial, r	notification or correspondence relating to appeal).	
		1. Date of denia	Vissuance of permit or date of alleged en	ror in enforcement of ordinance:	20
			neal (Cite applicable provisions of ordina		
i	В.	correspondence,	nithfield Platting Board of Review from plans and the written decision pertaining (Cite applicable ordinance provisions as		ach copies of all
	_	A	- F-6-manual Assessing decision (A)OT	To estuab analysis of all anymorphisms plans and switten of	leat-to-
•		Appeal to Zonin		E: attach copies of all correspondance, plans, and written d	racision
			appear.) I (Cite applicable ordinance provisions r	and any other date in support of storeal.)	
		Basis for Appea	it from obbucone argumence broadening	mic mil onio again in outper a approach	
		-			
), swear that all information provided	in this APPLICATION is to the best of MY/OUR knowled	iga complete and
COLLE	ct in	every detail.			
			RESPECTFULI	LY SUBMITTED,	
He		ge Hills Property		Heritage Hills Property LLC	
	N	Owner's Nan	Printed	Applicant's Name Printed	
	11	1 anon 1	James -	Moon Gomer	
_	1	Owner's Sig	posture	Applicant's Signature	
		y	0	,	
40	:EM	TATTOPNEV.	Timothy F. Kane		*
AU	3614		627 Putnam Pike		
		ADDRESS:	Greenville, RI 02828		
		9	401- 9 49-2228		
		PHONE:	441-644-869A		
	P E	nocen	Applicant and Owner		
	KE	PRESENTING:	Japaceur Sud Owiel		

8. NA	TURE OF APP	EAL (Complete this	Section only if Box #3 of t	the Introduction is checked).	
A.	Appeal of Buile	ding Official (Attach copy of	any denial, notification or c	correspondence relating to appeal).	
	1. Date of deni	al/issuance of permit or date	of alleged error in enforcem	nent of ordinance:	,20
	2. Basis for Ap	peal (Cite applicable provision	ons of ordinance.)		
В.	correspondence	Smithfield Platting Board of c, plans and the written decision al (Cite applicable ordinance)	on pertaining to the appeal.)	·	NOTE: attach copies of
	pertaining to the			es of all correspondance, plans, ar	nd written decision
We, the orrect in	UNDERSIGNE every detail.		n provided in this APPLIC	CATION is to the best of MY/OU	IR knowledge complete as
80 Do	uglas Pike LL			80 Douglas Pike LLC	
	Owner's Na	me Printed	-	Applicant's Name	e Printed
	Owner's S	gnature		Applicant's Sign	nature
AGEN'I	/ATTORNEY:	Timothy F. Kane			
	ADDRESS:	627 Putnam Pike		-	
		Greenville, RI 02828			
	PHONE:	401-949-2228		-	
ñ Ev	PHONE:	401-949-2228 Applicant and Owner			

NOTE: One original signed application and eleven copies must be submitted.

REQUIRED ATTACHMENTS TO APPLICATION FOR VARIANCES AND SPECIAL USE PERMITS

- 11 (eleven) copies of Radius Map (scale not less than 200 feet/inch) showing all property, street names, plat and lot numbers within a 200' (two hundred feet) Radius.
- 12 (twelve) copies of a LIST OF ALL PROPERTY OWNERS within the 200' (two hundred feet) Radius. Said List shall identify the names and addresses of each property owner, with plat and lot numbers. Also available from Tax Assessors Office. Three (3) sets of abutters printed on mailing labels.
- 12 (twelve) copies of the PLOT PLAN showing the dimensions and location(s) of all existing and proposed buildings with identification as such, plus such building plans floor plans, sketches, and drawings as may be necessary to provide complete information relative to the APPLICATION'S proposal.
- 12 (twelve) copies of the SITE PLAN and all additional material required by Section 10-9 A, B and C must accompany application.

ALL REQUIRED INFORMATION AND ATTACHMENTS SHALL BE FILED AS SEPARATE DOCUMENTS AND MUST BE ACCOMPANIED BY THE APPLICATION AND FILING FEES FOR THE CASE TO BE CONSIDERED COMPLETE AND READY FOR PUBLIC HEARING.

ALL DOCUMENTS shall be filed in the office of the Smithfield Building Official (Smithfield Town Hall, 64 Farnum Pike, Esmond, RI 02917; Telephone: (401) 233-1039. Said documents shall be filed at least forty two (42) days in advance of the regular monthly meeting of the Smithfield Zoning Board of Review.

FILING FEES, payable to the Town of Smithfield, shall be paid by the APPLICANT at the time of APPLICATION SUBMISSION. Smithfield Municipal Agents acting within their official capacity shall be exempted from the Filing Fees.

PUBLIC HEARING REQUIREMENT

No APPLICATION for a SPECIAL USE PERMIT, VARIANCE, or APPEAL to the Smithfield ZONING ORDINANCE shall be heard by the Zoning Board of Review until after a Public Hearing has been held upon the APPLICATION. Written Notice of the time and place of such Public Hearing, and the purpose thereof, shall be made by the Zoning Board of Review to all owners of any Real Property within 200' (two hundred feet) of the perimeter of the Real Property, which is the subject matter of the APPLICATION. Said Written Notice shall be made by Registered or Certified Mail at least fourteen (14) days prior to the date of said Public Hearing. Publication of such Notice shall also be made in a newspaper of general circulation within the Town of Smithfield at least fourteen (14) days prior to the date of such Hearing. (Zoning Ord. §10.8,B) Any party may appear at the Public Hearing in person, by agent, or by attorney and may present such experts or witnesses that may have information relating to the APPLICATION.

EXPIRATION OF SPECIAL USE PERMITS AND VARIANCES

A Special Exception or a Variance from the provisions of the Smithfield Zoning Ordinance shall expire one (1) year from the date granted by the Board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. No application for the renewal of a lapsed Special Use Permit or Variances shall be granted without a hearing.

SF	ACE BELOW RESERVED FOR ZONING BOARD OF REVIEW USE ONLY	
Date Notices Sent to Respective Property Owners:		
Date of Newspaper Notice:	Newspaper	

Town of Smithfield, RI Abutters Report

200ft. Abutters of Property 4078 at 80 DOUGLAS PIKE

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Property data updated 6/11/2021.

JOHNSTON, RI 02919 MDR REALTY LLC PO BOX 91012 JOHNSTON, RI 02919	3641	0 DOUGLAS PIKE	3641 MDR REALTY LLC
MDR REALTY LLC PO BOX 91012 JOHNSTON, RI 02919 MDR REALTY II LLC P O BOX 91012	3631	73 DOUGLAS PIKE	MDR REALTY LLC 3632 MDR REALTY II LLC
SURABIAN PAUL BC/O DOUGLAS CONSTRUCTION 90 DOUGLAS PIKE UNIT 2 SMITHFIELD, RI 02917	3629	90 DOUGLAS PIKE	3629 SURABIAN PAUL B
SURABIAN PAUL TC/O DOUGLAS CONSTRUCTION 90 DOUGLAS PIKE SMITHFIELD, RI 02917	184789	0 DOUGLAS PIKE	184789 SURABIAN PAUL T
MDR REALTY II LLC PO BOX 91012 JOHNSTON, RI 02919	184544	0 DOUGLAS PIKE	184544 MDR REALTY II LLC
Owner Address	Property ID	Site Address	Abutter

Town of Smithfield, RI Abutters Report

200ft. Abutters of Property 4078 at 80 DOUGLAS PIKE

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Property data updated 6/11/2021.

3725 PERROTTA JOHN E	3721 HERITAGE HILLS PROPERTY LLC	3720 CHEBBO IRREVOCABLE TRUST	3719 TAYLOR THOMAS B ET AL	
S PIKE	õ	S PIKE	SPIKE	
3725	3721	3720	3719	
PERROTTAJOHN E 400 PUTNAM PIKE STEJ504 SMITHFIELD, RI 02917	HERITAGE HILLS PROPERTY LLC 1608 ROUTE 88 SUITE 200 BRICK, NJ 08724	CHEBBO IRREVOCABLE TRUSTMARIA NORIEGA TRUSTEE 94 CRAWFORD STREET CRANSTON, RI 02910	TAYLOR THOMAS B ET ALTAYLOR JERRI CJT 16 DOUGLAS PIKE ESMOND, RI 02917	JOHNSTON, RI 02919



Town of Smithfield Zoning Board of Review

64 Farnum Pike, Smithfield, Rhode Island 02917 (401) 233-1039

S. James Busam, Chairman

October 18, 2023

Heritage Hills Property, LLC as applicant and owner of property located at 80 Douglas Pike, listed at Plat 42, Lot 138 seek a variance and a special use permit to construct an addition.

A public hearing on this application has been scheduled for Wednesday, November 1, 2023 at 6:00 PM, at Smithfield Town Hall, 64 Farnum Pike

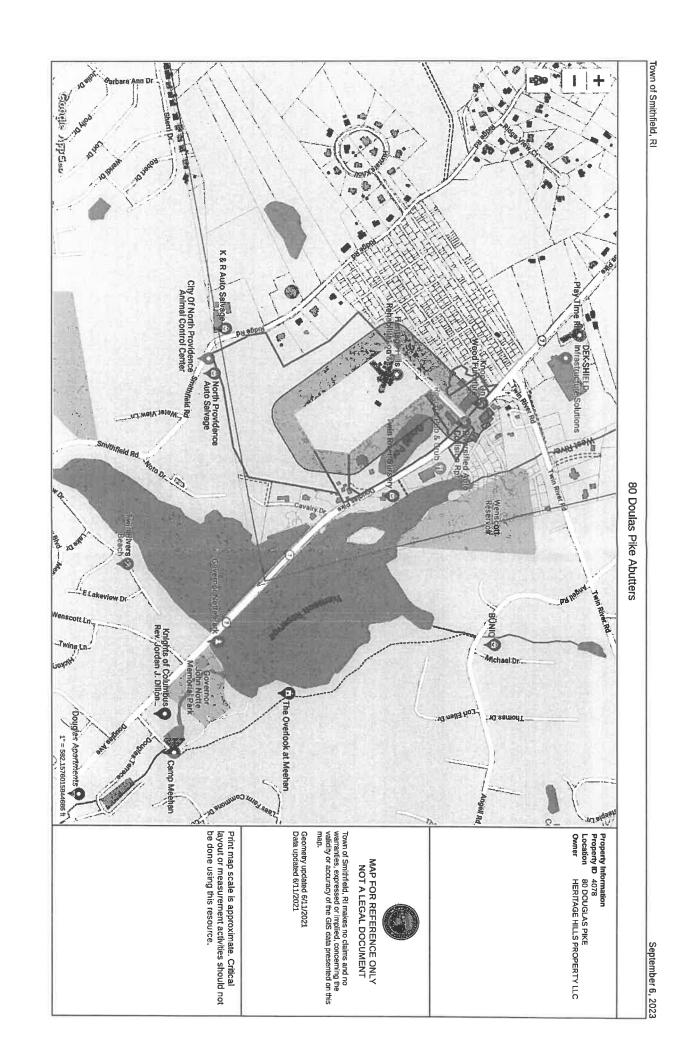
By Order of the Zoning Board of Review

S. James Busam Chairman

NOTE: Interested parties may be represented by counsel/provide expert witness at such Zoning Board hearings.......

Please also note that the application and documents in regard to this case are on file for public inspection in the office of the Town of Smithfield's Building Official, address listed above.

The public is welcome to any meeting of the Zoning Board of Review. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager's office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.



MDR REALTY II LLC PO BOX 91012 JOHNSTON, RI 02919 SURABIAN PAUL TC/O DOUGLAS CONSTRUCTION 90 DOUGLAS PIKE SMITHFIELD, RI 02917 SURABIAN PAUL BC/O DOUGLAS CONSTRUCTION 90 DOUGLAS PIKE UNIT 2 SMITHFIELD, RI 02917

MDR REALTY LLC PO BOX 91012 JOHNSTON, RI 02919 MDR REALTY II LLC P O BOX 91012 JOHNSTON, RI 02919

MDR REALTY LLC PO BOX 91012 JOHNSTON, RI 02919

CRANSTON, RI 02910

MDR REALTY LLC PO BOX 91012 JOHNSTON, RI 02919 TAYLOR THOMAS B ET ALTAYLOR JERRI C JT 16 DOUGLAS PIKE ESMOND, RI 02917

CHEBBO IRREVOCABLE TRUSTMARIA NORIEGA TRUSTEE 94 CRAWFORD STREET

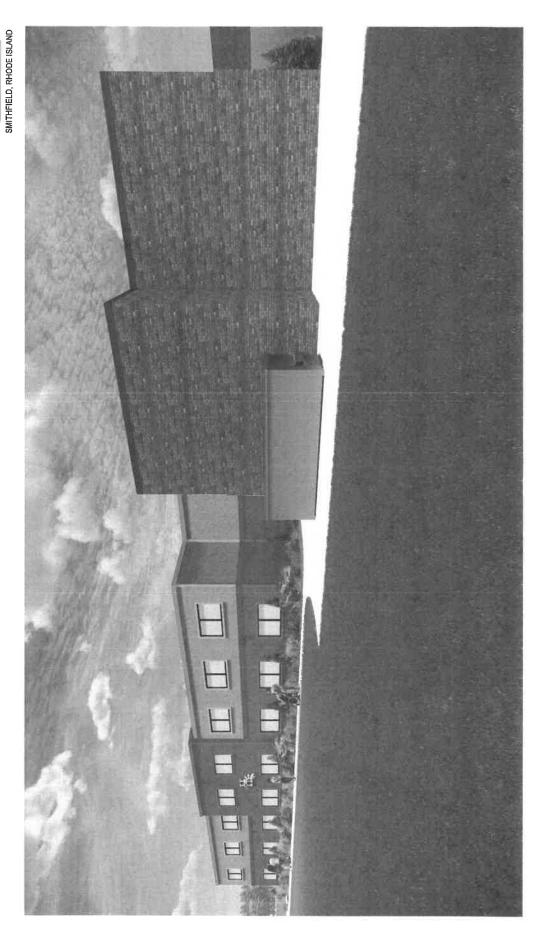
HERITAGE HILLS PROPERTY LLC 1608 ROUTE 88 SUITE 200 BRICK, NJ 08724 PERROTTA JOHN E 400 PUTNAM PIKE STE J504 SMITHFIELD, RI 02917

* Earl Grey Estates, LLC clo Cameron ! Mittleman LLP 301 Promenade St. Providence, Ri 02908

* Smithfield Estates, UC clo Cameron: Mittleman UP 301 Promenade St. Providence, 21 02908







EXTERIOR RENDERING (FRONT)

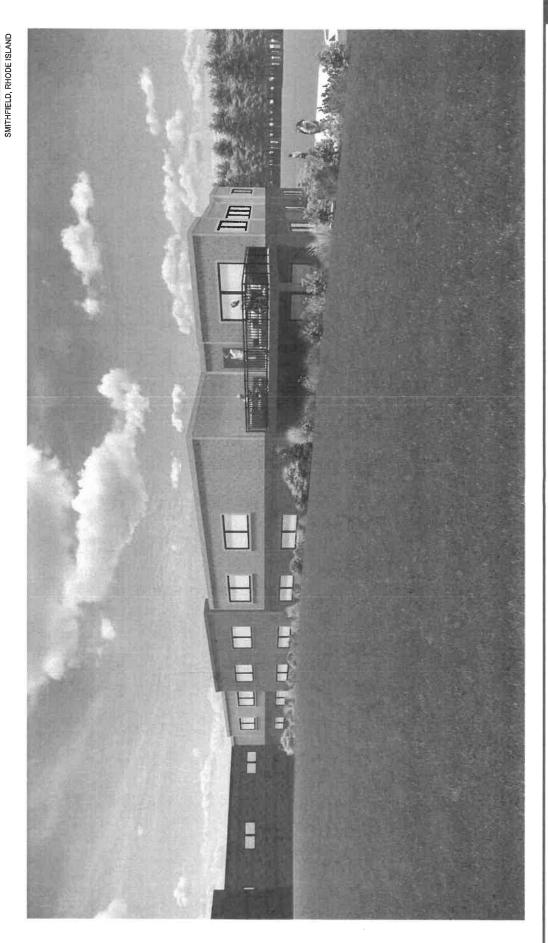
90 Douglas Pike Smithfield, RI

CLIENT: HERITAGE HILLS REHAB. 80 DOUGLAS PIKE SMITHFIELD, RI 02917

PROJECT #: 6735 DATE: 08/30/2023





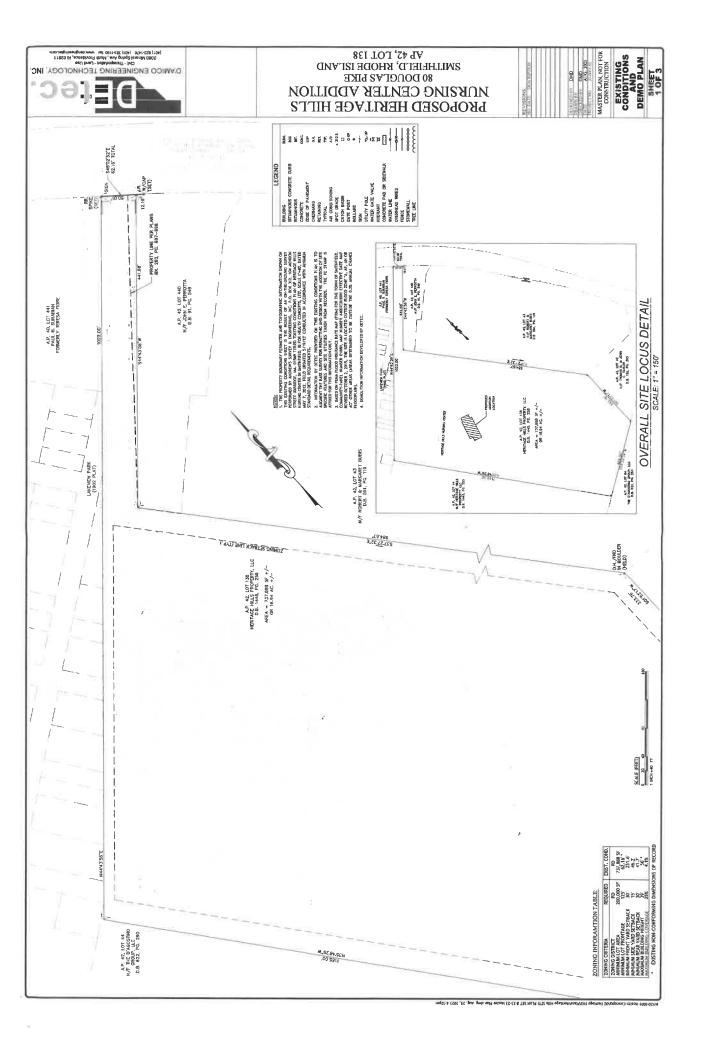


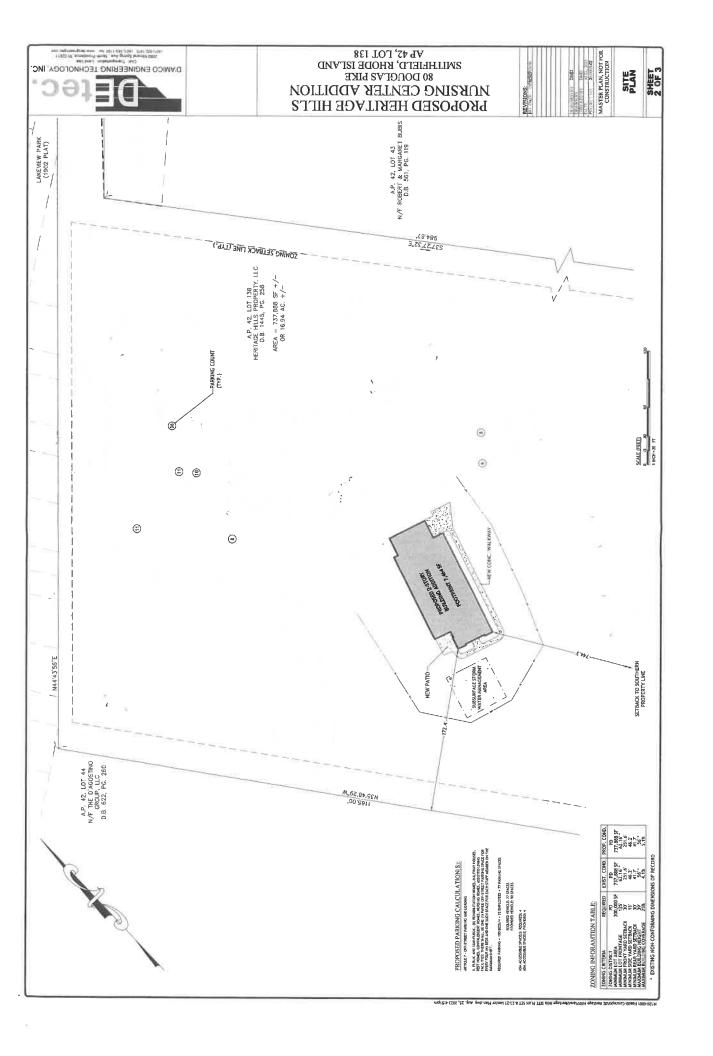
EXTERIOR RENDERING (BACK)

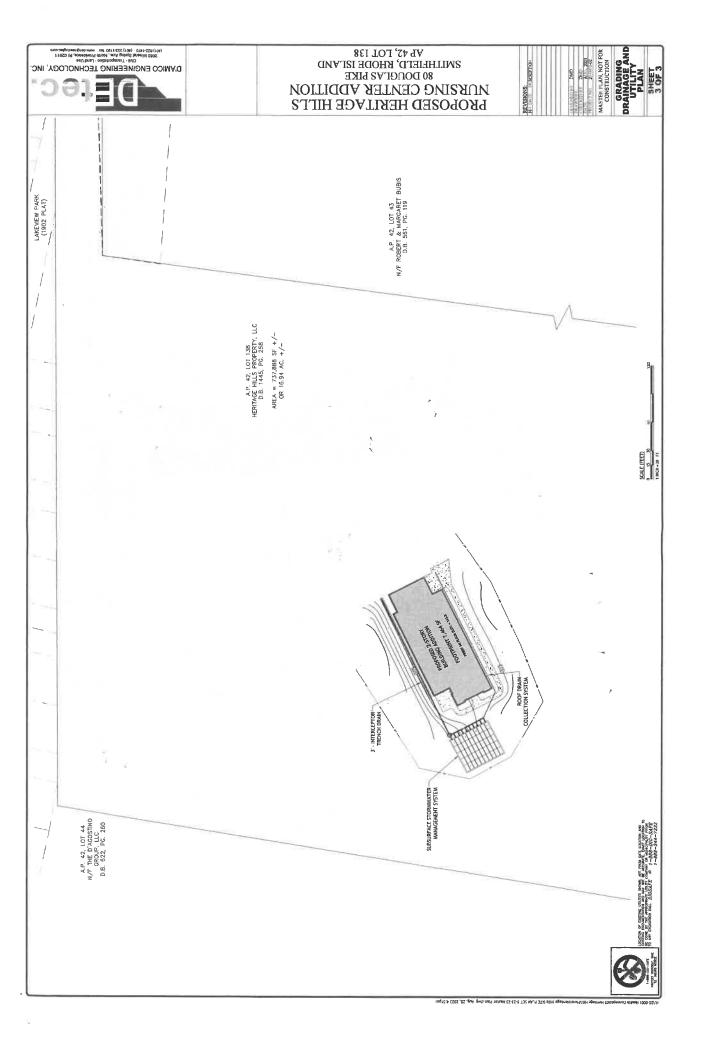
90 Douglas Pike Smithfield, RI

PROJECT #: 6735 DATE: 08/30/2023

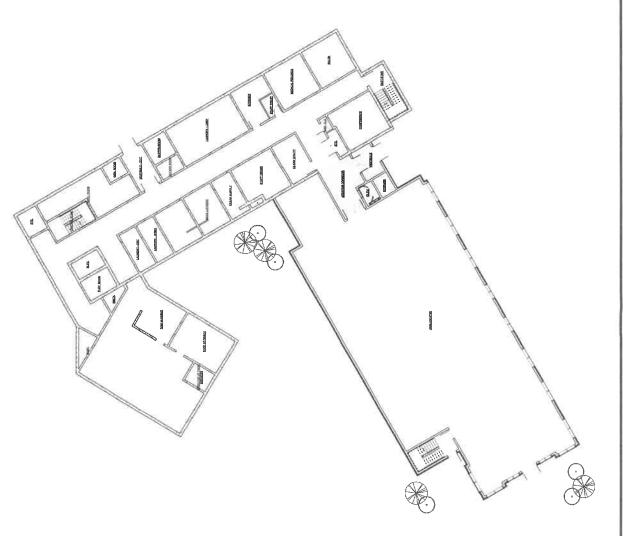
CLIENT: HERTAGE HILLS REHAB. 80 DOUGLAS PIKE SMITHFIELD, RI 02917











(2) Key Plan 1/32" = 1"-0" Presentation Plan Overall Basement 332" = 1"0"

PROJECT# 6

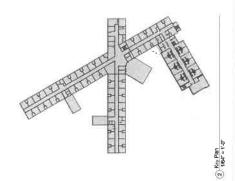
PROJECT#: 6735 DATE: 08/30/2023

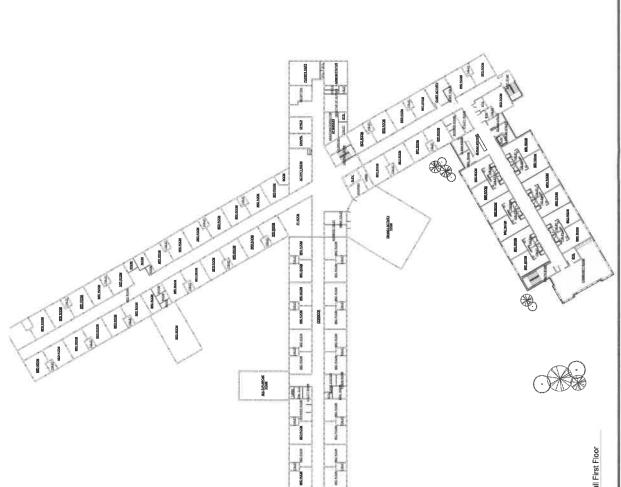
CLIENT: HERITAGE HILLS REHAB. 80 DOUGLAS PIKE SMITHFIELD, RI 02917

OVERALL BASEMENT PLAN

90 Douglas Pike Smithfield, RI







MA S. P. STANDON

man became account of 1 decrees

Presentation Plan Overall First Floor 1" = 20'-0"

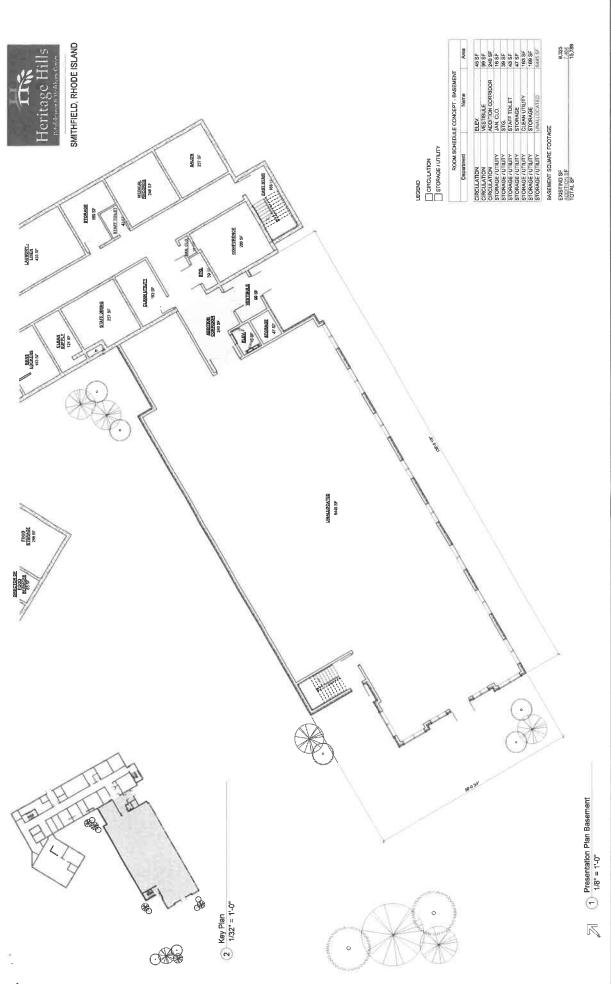
PROJECT #: 6735 DATE: 08/30/2023

HERITAGE HILLS REHAB. 80 DOUGLAS PIKE SMITHFIELD, RI 02917

CLIENT:

OVERALL FIRST FLOOR PLAN

90 Douglas Pike Smithfield, RI



BASEMENT LEVEL PLAN

90 Douglas Pike Smithfield, RI

CLIENT: HERITAGE HILLS REHAB. 80 DOUGLAS PIKE SMITHFIELD, RI 02917

PROJECT #: 6735 DATE: 08/30/2023



FIRST FLOOR PLAN

90 Douglas Pike Smithfield, RI

PROJECT #: 6735 DATE: 08/30/2023

CLIENT: HERITAGE HILLS REHAB. 80 DOUGLAS PIKE SMITHFIELD, RI 02917