



**SMITHFIELD PLANNING BOARD
RESOLUTION GRANTING MAJOR LAND DEVELOPMENT
MASTER PLAN APPROVAL FOR:**

**230-250 GEORGE WASHINGTON HIGHWAY
Major Land Development – Master Plan Review
AP 46 / Lots 67 & 411 – 230 & 250 George Washington Highway
6.22 Acres (approx.) / PCD (EGOD) Zone
Applicant/Owner: Ballettos Realty, LLC
Engineer: DiPrete Engineering**

WHEREAS, the Smithfield Planning Board met on December 21, 2023 to consider an application for a Major Land Development project located at 230-250 George Washington Highway, on approximately 6.22 acres, in the Planned Corporate / EGOD zone; and

WHEREAS, the record includes: Master Plan Application received November 16, 2023; Master Plan Submission Planset, Revised, DiPrete Engineering, dated November 15, 2023; Master Plan Narrative, DiPrete Engineering, dated May 17, 2023, Revised November 6, 2023; Request for Waivers Letter, DiPrete Engineering, dated November 15, 2023; Technical Review Committee Comments, dated November 27, 2023; Master Plan Informational Meeting Notice – Valley Breeze, December 7, 2023; List of Abutters; Affidavit of Mailing dated December 8, 2023; Planning Department Staff Recommendations dated December 12, 2023; and

WHEREAS, Attorney K. Joseph Shekarchi represented the applicant stating they are requesting an amended Master Plan approval because the economics did not support a restaurant and the project will consist of more office and residential. Attorney Shekarchi added that they are requesting a waiver for submission of a traffic study at this stage; and

WHEREAS, Richard Colavecchio questioned the project having more residential units and how that will impact the traffic; and

WHEREAS, Brian Thalmann, Professional Engineer with DiPrete Engineering, stated that the only difference is more trip generation of 0.6 and 0.75 trips per residential unit and that a restaurant probably generates more. Mr. Thalmann stated there were 21 residential units in the original proposal and there are now 63 which will result in approximately a 30-trip increase in the a.m. Mr. Thalmann clarified that they are not waiving but just deferring the traffic study until the Preliminary Plan stage; and

WHEREAS, Michael Moan made a motion, seconded by Al Nani, to grant the requested waiver for a traffic study to be completed at the Preliminary Plan stage. The vote on the motion was all in favor and the motion carried; and

WHEREAS, Brian Thalmann reviewed the proposal stating the project is a combination of residential, retail, and office uses. Mr. Thalmann stated the project will be serviced by sewer and water, there will be 25% of affordable units and will consist of apartments initially with the potential to be converted into condominiums. Mr. Thalmann added that there was a request for the addition of sidewalk construction; and

WHEREAS, Richard Colavecchio questioned how the applicant proposes to make the units marketable when they are surrounded by asphalt and Brian Thalmann replied that included in the Project Narrative is a population analysis and these types of developments do not foster themselves to having school-

aged children. Mr. Colavecchio suggested the requirements that the EGO recommends be used and stated his concern with the residences and retail/office uses mixing; and

WHEREAS, the public informational hearing was opened at 7:35 p.m. and there being no one present to speak to this application was promptly closed; and

WHEREAS, in order to approve a project, the Planning Board is required to make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable. The Board made the aforementioned positive findings, see Exhibit B-1; and

WHEREAS, the applicant provided competent expert evidence, both in the form of the above referenced reports and testimony from a civil engineer, detailing how the project would comply and be in conformance with the Town's zoning ordinance and comprehensive plan and how it addressed each of the seven required positive findings to approve a Major Land Development project as just described above, which evidence the Board credits at this Master Plan level of review; and

WHEREAS, no competent evidence was presented by an expert during the public comment, or at any other time, that refuted or contradicted the testimony of the applicant's experts; and

WHEREAS, the record evidence here supports the conclusion that applicant has provided the Board with sufficient evidence that the Master Plan submission for the proposed Major Land Development project can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

WHEREBY, Michael Moan made a motion, seconded by John Yoakum, to approve the Master Plan incorporating the Town Planner's memorandum dated December 12, 2023 as Exhibit A, the Findings of Fact marked as Exhibit B-1, being conditioned on a traffic study being provided at the Preliminary Plan stage, considering alternatives to scaling back or reconfiguring Building #3, revisiting the architectural standards of the EGO district and layout of the entrances to residential units be reconfigured or studied vis a vis access to commercial spaces. The vote on the motion was all in favor and the motion carried.

The vote on the motion was as follows:

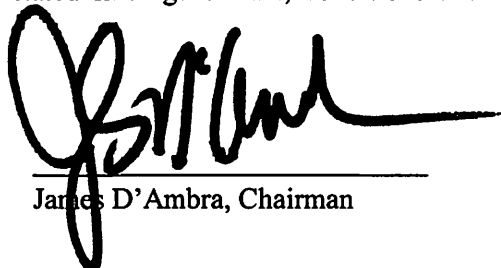
Voting in Favor: Charles Boyd, Richard Colavecchio, James D'Ambra, Catherine Lynn, Michael Moan, Al Nani, John Yoakum

Voting in Opposition: None

Abstaining/Recused: None

Members Absent: Angelica Bovis, Joseph Rotella

NOW BE IT THEREFORE RESOLVED by unanimous vote of seven (7) members in favor and zero (0) against and zero (0) abstaining, that the Major Land Development Master Plan Approval for 230-250 George Washington Highway, with the stated findings of fact, conditions and recommendations expressed herein is GRANTED.



James D'Ambra, Chairman

This decision will be publicly posted in a visible location in the Town Hall for a period of twenty (20) days commencing the 31st day of January, 2024.

**Exhibit B-1
Findings of Fact**

230-250 George Washington Highway / Balletto

To assist the Board in addressing the Required Findings called for in Section II, Article B of the Land Development and Subdivision Regulations, a number of facts addressing the individual findings are provided below.

Finding #1. The proposed development is consistent with the Smithfield Comprehensive Community Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

Comment: The proposed redevelopment of this appropriately zoned lot is consistent with the Comprehensive Plan.

Areas of consistency include:

GOAL LU-1

ESTABLISH A BALANCE BETWEEN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, RECREATIONAL, PUBLIC FACILITY, AGRICULTURAL AND CONSERVATION LAND USES THAT SERVICE THE CURRENT AND FUTURE NEEDS OF THE COMMUNITY THROUGH THE DEVELOPMENT OF SOUND LAND USE PRACTICES.

Policy LU-1.2 Encourage residential, commercial, industrial and mixed use areas which do not conflict with one another, are compactly grouped, attractive and compatible with the ability of land and water resources to support the development.

Policy LU-1.3 Maintain and enhance desirable existing industrial areas, shopping areas and concentrations of service activities to minimize the need for new infrastructure investment and to maximize the utilization of existing infrastructure.

GOAL LU-5

CONSIDER THE NATURAL CAPACITY OF THE LAND TO SUPPORT FUTURE DEVELOPMENT, POPULATION AND THE EXISTING QUALITY OF LIFE.

Policy LU-5.11 Focus growth in existing high density (urban services) areas and designated Growth Centers.

GOAL ED-5

INTEGRATED ECONOMIC DEVELOPMENT WITH APPROPRIATE LAND USE POLICIES

Relate economic development to overall land use, including revitalizing old industrial/employment centers, planning business/industrial parks, minimizing commuting distances, and developing industry in accord with sound land use policy.

Action ED-5.1c Continue to guide light industrial, office development, and related industries toward the Routes 7/116 industrial/planned corporate areas in the northeast quadrant of the Town, and develop plans that the appropriate infrastructure is available.

GOAL ED-6

IMPROVED EMPLOYMENT OPPORTUNITIES

Encourage diverse employment opportunities and provide appropriate training programs to upgrade the quality and diversity of jobs available.

Policy ED-7.2 Encourage mixed use retail development in support of industrial and office development in the Route 7/116 Corridor.

Finding #2. The proposed development is in compliance with the standards and provisions of the Smithfield Zoning Ordinance;

Comment: The project meets all the requirements of the PC/EGO zone.

The revised proposal includes a two (2) phased scheme with a 6,000 square feet of office space, 21,000 square feet of retail space, and residential space (sixty-three (63) residential units) on three/two parcels totaling approximately 6.21 acres. All elements appear to comply with the Design Standards of the EGO District, although a waiver of the architectural drawing requirement has been requested.

Finding #3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

Comment: Wetlands have been delineated and verified by RIDEM. Most of the limit of disturbance for the project is outside of wetland buffers. The site layout shows the locations conceptual drainage collection and treatment facilities. A wetland permit from RIDEM will be required and a detailed review of the project's stormwater systems will be required by RIDEM and the Town Engineer at Preliminary Plan stage.

Finding #4. A subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of "Buildable Lot"). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;

Comment: The site has moderate slopes and numerous ledge outcrops that will need to be removed to create pad sites for buildings, accommodate roadways, parking facilities and drainage systems. A wetland permit and a detailed review of the project's stormwater systems will be required by RIDEM and the Town Engineer at Preliminary Plan stage.

Finding #5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Comment: The project provides for reasonable right-in/out access from Douglas Pike and has a full access driveway on George Washington Highway, both state highways controlled by RIDOT. The plans contain a turning radius plan showing how emergency vehicles and solid waste pickup vehicles will be able to negotiate the site.

Finding #6. A subdivision, as proposed, shall provide for safe circulation of pedestrian and vehicular traffic, for adequate control of surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.

Comment: The layout of parking, access driveways appear to provide for safe vehicular and access the design engineer has indicated that the design does take in to account the provisions of sidewalks interior to the project, though they are not specifically shown on the plans. The Applicant provided sidewalks along the frontage of Route 116 and along Route 7 to the project entrance as requested by the Board. The Board granted a waiver of the requirement for a Traffic Study at Master Plan stage.

Finding #7. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in a land development project, as proposed, shall minimize flooding and soil erosion.

Comment: The design of all elements of the project, including drainage, soil erosion, utilities and circulation appear to be addressed in the Master Plan. A detailed review of the project's stormwater systems will be required by RIDEM and the Town Engineer at Preliminary Plan stage.