



**SMITHFIELD PLANNING BOARD
RESOLUTION GRANTING MAJOR SUBDIVISION
MASTER PLAN APPROVAL OF:**

DRG ACRES

**AP 42/Lot 64 – 332 Douglas Pike
8.2 Acres (approx.) / 4 Lots / Zone: R-80
Applicant/Owner: DRG Realty, LLC
Engineer: Garofalo & Associates, Inc.**

WHEREAS, the Smithfield Planning Board met on September 21, 2023, October 19, 2023 and November 16, 2023 to consider an application for a Major Subdivision located at 332 Douglas Pike, on approximately 8.2 acres, in the R-80 zone; and

WHEREAS, the record includes: Master Plan Application received August 25, 2023; Master Plan Planset, Garofalo & Associates, dated August 2023 (Rev. 9/19/23); Master Plan Cover Letter, Garofalo & Associates; RIDEM Site Evaluation Forms, dated May 1, 2023; Master Plan Informational Meeting Notice – Valley Breeze, September 7, 2023; Certificate of Completion dated August 29, 2023; Affidavit of Mailing dated September 7, 2023; List of Abutters; DRG Acres Major Subdivision Master Plan and Dimensional Variance Planning Report, RI Planning Services, LLC, October 2023; Planning Department Staff Recommendation dated September 13, 2023; and

WHEREAS, at the September 21st meeting, Planner Michael Phillips stated that the plan set that was sent out in the Board's packet has been revised to a plan that removes the need for a zone change. Mr. Phillips stated that all four lots still need frontage relief from the Zoning Board; and

WHEREAS, Attorney John Shekarchi represented the applicant stating the engineers developed an alternate plan which was delivered after the Board packets went out. Attorney Shekarchi stated that he understands if the Board needs more time to review the plan set and, if so, would request a continuance to the October meeting; and

WHEREAS, Michael Moan made a motion, seconded by Al Nani, to continue the application to the October 19, 2023 meeting. The vote on the motion was all in favor and the motion carried; and

WHEREAS, at the October 19th meeting, Sam Hemingway, Engineer with Garofalo & Associates, Inc. of Providence, stated that the request is for an 8-acre lot to be subdivided into four lots. Mr. Hemingway stated that a change was made to the plans due to confusion over the zoning but the proposal is to maintain two acre lots which have been reconfigured but still requiring a dimensional variance on lot width. Mr. Hemingway stated that the reconfiguration also resulted in interior angles being in excess of 200 degrees requiring a waiver from this Board; and

WHEREAS, Sam Hemingway reviewed the plan set stating that the wetlands have been flagged but not yet submitted to DEM and soil evaluations for septic systems have been completed; and

WHEREAS, Joshua Berry, on behalf of RI Planning Services, LLC., reviewed his report stating that the project is consistent with the Future Land Use Map and is a conservative proposal with only 4 lots. Mr. Berry stated that the project meets with several of the goals, policies, and actions of the Comprehensive Plan and argued that the requested waivers are appropriate when abutting densities are much greater. Mr. Berry stated that the project is designed to minimize any impact to the wetlands, is located within an urban service boundary and meets with the Town's housing needs; and

WHEREAS, Joshua Berry reviewed the requested waivers stating they are technical and not substantive. Mr. Berry stated that road width at 20 feet is better for the Town having less impervious surface which is better for stormwater management, landscaping, and traffic calming. Mr. Berry stated that the zoning change is consistent with the Comprehensive Plan and that hardships are the wetlands and more restrictive zoning on abutting lots. Mr. Berry summarized that the project meets all of the required findings and the applicant will work through any issues identified in the TRC report; and

WHEREAS, Charles Boyd questioned whether there will be any lighting on the road and Joshua Berry replied that it will be public lighting and a decision has not been made as to whether private lighting will be used but that it is only 4 single family houses. Mr. Boyd stated his concern with the abutter at the entrance and whether there will there landscaping; and

WHEREAS, James D'Ambra questioned whether the fourth lot will be requiring an easement for the driveway and Sam Hemingway replied yes but that they are looking at other ways to find what is most compliant with the underlying zoning; and

WHEREAS, Joseph Rotella suggested bringing the road out to lessen the length of the easement and stated his concern with the Fire Department getting a hose out 120 feet from the turnaround; and

WHEREAS, Angelica Bovis stated her concern with Lot 3 driveway having a swamp and Lot 2 having a small driveway and that it does not seem like there could be parking on the roadway; and

WHEREAS, Catherine Lynn questioned what type of mitigation will be done to Lot 4 to keep it from getting inundated with water in the spring and stated there will need to be an easement to bring in a water line; and

WHEREAS, Town Planner Michael Phillips reviewed the TRC comments stating that all of the lots will have easements across them, the Board has always advocated for dark sky developments, the Fire Department is in favor of 20-foot-wide roads and the Town needs housing; and

WHEREAS, Angelica Bovis stated that it seems that the fourth lot is forced, has a lot of concerns with the easement, and would support the project with Lots 1, 2, and 3 only; and

WHEREAS, Sam Hemingway stated that the redesign of the roadway to a hammerhead will lessen the Board's concerns as well as reworking the lot lines for a better road configuration; and

WHEREAS, Attorney Joseph Shekachi requested continuing the hearing for the applicant to address the roadway and lot configuration; and

WHEREAS, the informational meeting was opened at 6:46 p.m.; and

WHEREAS, Paul Chabot, of 298 Douglas Pike, stated his concerns with the project's property lines and a discrepancy with the GIS map. Planner Michael Phillips stated this plan is based on a Class 1 survey and GIS is not exact. Mr. Chabot also stated his concern with buffers to his property from Lot 1; and

WHEREAS, there being no one else present to speak to this application, the informational meeting was closed at 6:50 p.m.; and

WHEREAS, Joseph Rotella made a motion, seconded by Angelica Bovis, to continue the application to the November 16, 2023 meeting. The vote on the motion was all in favor and the motion carried; and

WHEREAS, at the November 16th meeting, Sam Hemingway, Engineer with Garofalo & Associates, Inc. of Providence, represented the applicant stating that they have revised the site plan to comply with the underlying zoning but the result is the lots have less lot frontage. Mr. Hemingway stated that they have reconfigured the lots to address issues with the shared access driveway and have added a hammerhead turnaround for fire apparatus; and

WHEREAS, the informational meeting was opened at 6:08 p.m. and there being no one present to speak to this application was promptly closed; and

WHEREAS, Richard Colavecchio questioned whether the Fire Department requested the hammerhead turnaround and Sam Hemingway replied that the Fire Department brought it up at the Technical Review Committee meeting as a suggestion; 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 2; 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 Subdivision 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 the applicant has provided the Board with sufficient evidence that the Master Plan submission for the proposed Major Subdivision can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

WHEREBY, Joe Rotella made a motion, seconded by Richard Colavecchio, to approve the Master Plan application with a positive recommendation to the Zoning Board, granting the requested waivers and variances from the Subdivision Regulations, and incorporating the Town Planners memorandum dated October 10, 2023 and supporting documents into the record. The vote on the motion was all in favor and the motion carried.

The vote on the motion was as follows:

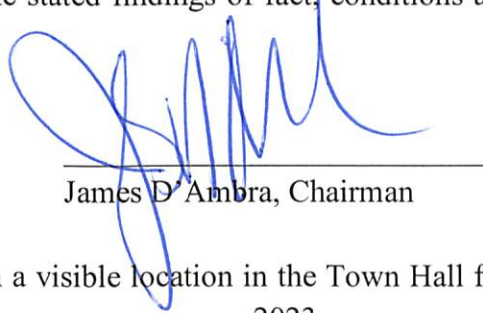
Voting in Favor: Richard Colavecchio, James D'Ambra, Michael Moan, Al Nani, Joseph Rotella, John Yoakum, Angelica Bovis and Charles Boyd

Voting in Opposition: None

Abstaining/Recused: None

Members Absent: Catherine Lynn

NOW BE IT THEREFORE RESOLVED by unanimous vote of eight (8) members in favor and zero (0) against and zero (0) abstaining, that the Major Subdivision Master Plan Approval for 332 Douglas Pike, DRG Acres, 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 ____ day of _____, 2023.

Exhibit 2
Findings of Fact

RE: DRG Acres

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;

GOAL H-1:

MAXIMIZE THE QUALITY, ACCESSIBILITY, VARIETY OF RESIDENTIAL STRUCTURES AND NEIGHBORHOODS.

Policy H-1.0 Stimulate development of a variety of housing, in terms of type, cost, size, location and design, to meet the broad range of needs and desires of homeowners and renters, and of all income groups and family sizes.

Comment: The project will result in the development of 4 additional single-family homes.

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

Comment: All proposed lots meet the dimensional requirements of Section 5.4 -Table 1 with a minimum of 80,000 square feet of lot area but all four lots will need 126 feet of frontage relief. Based on the house locations on the Master Plan, rear yard setback relief will also likely be required for lots 3 and 4.

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: The Wetland report submitted with the Preliminary Plan shows that all work will be outside of RIDEM jurisdictional wetlands and soil tests indicate that the site is generally suitable to support OWTS. The project will be served by municipal water.

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: All lots have reasonable building envelopes that are free of physical constraints such as wetlands, steep slopes or easements. An access easement will be required for Lot 4 to cross Lot 3 from the end of the cul-de-sac.

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: All lots will frontage on Douglas Pike and physical access to Douglas Pike vis a 20' wide access roadway the will be built to Town specifications.

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: All lots will have frontage and physical access to Douglas Pike. The lots are all fairly gently sloping and have sufficient area outside of wetlands and buffers to site homes, yard space and driveways.

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

Comment: The site has very little in the way of steep slopes indicating that soil erosion should not be major concern. Each house lot is subject to Soil Erosion Review at the building permit stage.