



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

HERITAGE HILLS NURSING CENTER

**AP 42 / Lot 138 – 80 Douglas Pike
 7,464 sq. ft. (approx.) Building Addition / Zone: PD
 Applicant/Owner: Heritage Hills Property, LLC
 Engineer: D'Amico Engineering Technology, Inc.**

WHEREAS, the Smithfield Planning Board met on September 21, 2023 to consider an application for a Major Land Development project located at 80 Douglas Pike for a 7,464 sq. ft. addition (approx.), in the PD zone; and

WHEREAS, the record includes: Master Plan Application received September 1, 2023; Master Plan Planset, D'Amico Engineering Technology, Inc., dated August, 2023; Architectural Planset, RGB Architects, dated August 30, 2023; Master Plan Informational Meeting Notice – Valley Breeze, September 7, 2023; Certificate of Completion dated September 1, 2023; Affidavit of Mailing dated September 7, 2023; List of Abutters; Planning Department Staff Recommendation dated September 14, 2023; and

WHEREAS, Attorney Tim Kane, having offices at 692 Putnam Pike, represented the applicant on this request for a 2-story addition on the Heritage Hills Nursing Center. Attorney Kane stated that the applicant is also seeking an advisory recommendation to the Zoning Board on a variance and special use permit; and

WHEREAS, David D'Amico, Professional Engineer with D'Amico Engineering Technology, Inc., stated the nursing home is not changing the number of beds so they are able to use the existing leach field, but they will have to relocate 1 or 2 tanks which will require an application to RIDEM for that change; and

WHEREAS, Catherine Lynn questioned whether the applicant has received RI Board of Health approval and Matt Wendorf, with RGB Architects, stated that they will submit to the RI Department of Health once they get this Board's and the Zoning Board's approval; and

WHEREAS, at 6:24 p.m. the public informational meeting was opened and there being no one present to speak to this application was promptly closed; and

WHEREAS, Town Planner Michael Phillips stated that one of the abutters to the project visited his office indicating there is a drainage issue along the driveway which impacts their property. David D'Amico stated that the addition will not have an impact on that; 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; 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, James D'Ambra made a motion, seconded by Michael Moan, to approve the Master Plan with the Planner's memorandum dated September 14, 2023 being marked as Exhibit A, the Findings of Fact marked as Exhibit B, and recommending that the Zoning Board grant requested the variance and special use permit. The vote on the motion was all in favor and the motion carried.

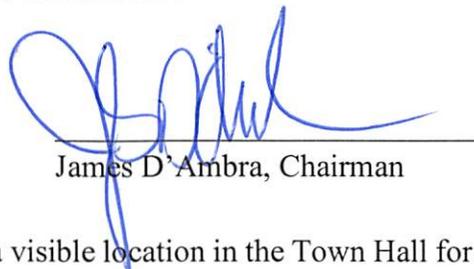
Voting in Favor: Charles Boyd, Richard Colavecchio, James D'Ambra, Catherine Lynn,
Al Nani, Michael Moan and Joseph Rotella

Voting in Opposition: None

Abstaining/Recused: None

Members Absent: John Yoakum

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 Heritage Hills Nursing Center Addition, 80 Douglas Pike, 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 B
Findings of Fact

RE: Heritage Hills Nursing Center - Addition

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 is consistent with the Comprehensive Plan.

Areas of consistency include:

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.

Policy ED-1.2 Support and promote the economic development of appropriately zoned parcels.

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.

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

Comment: The Project is located in a Planned Development district. A nursing facility is allowed by Special Use Permit.

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 development plans show proposed stormwater mitigation to handle runoff from increased pervious surfaces. The facility is serviced by and OWTS and the applicant has indicated that no new bedrooms would be added so that theoretically there should not be an increase in sewerage flows. Evidence of the adequacy of the existing system should be provided 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 construction of the project is will require minor cutting and filling in different areas of the site to accommodate the proposed building addition. There does not appear to be any obvious constraints to development that would prevent the addition.

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 has frontage and access to Douglas Pike via a paved driveway.

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, sidewalks appear to provide for safe vehicular and pedestrian access within the site. The building addition is proposed in a lawn area and not clearing of forest is proposed.

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 design of all elements of the project, including drainage, utilities and circulation appear to be addressed in Master Plan. The applicant may need to apply for a Soil Erosion Permit.