

**Town of Smithfield Zoning Board of Review  
Sitting as the Board of Appeals**

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

November 6, 2024

The Smithfield Zoning Board of Review sitting as the Board of Appeals will convene on Wednesday November 6, 2024 at 6:00 PM, at the Smithfield Town Hall, 64 Farnum Pike, Smithfield, Rhode Island. The Board will issue a written decision relative to the appeal of the Deputy Zoning Official by GDM ESS, LLC as applicant and owner of the property located at 155 Mountindale Road further identified as Assessor's Plat 43, Lot 53:

**I Old Business**

**Consider, discuss and act upon the issuance of a written decision in the following matter:**

GDM ESS, LLC as applicant and owner of property located at 155 Mountindale Road, listed at Plat 43, Lot 53 appealing the decision of the Town of Smithfield Zoning Department denying the applicant's special use permit application to construct an energy storage facility and substation.

**II Public Hearings**

**None**

**III Public comment**

**IV Adjournment**

AGENDA POSTED OCTOBER 28, 2024

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.

## **Town of Smithfield Zoning Board of Review**

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

November 6, 2024

The Smithfield Zoning Board of Review will hold public hearings on Wednesday, November 6, 2024 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: October 2, 2024

Vote to approve 2025 Meeting schedule

### **II Public Hearings**

#### **A. Old Business**

#### **B. New Business**

24-019

James Shaw as applicant and James R. Shaw Rev. Trust and Debra L. Shaw Rev. Trust as owners of property located at 2 Blue Feather Trail listed at Plat 12, Lot 53 seek a variance to deviate from § 6.2.1.A “Accessory Uses” to construct a detached garage in the front yard in an R-20 district.

24-20

NAMAMAF, LLC as applicant and owner of property located at 265 and 275 George Washington Highway listed as Plat 46, Lots 75A and 75C seek variances to deviate from §9.4.11 Table 4 “Dimensional and Density Standards” to construct an addition to the existing building and construct an accessory storage garage in a Planned Corporate, Single Site district/ Economic Growth Overlay district.

### **III Public Comment**

### **IV Deliberations**

The following matters will be considered, discussed, and acted on for the relief requested and identified under Section II, Public Hearings: 24-019, 24-020

## **V Adjournalment**

### AGENDA POSTED OCTOBER 25, 2024

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 Sitting as Zoning Board of Appeal Meeting Minutes October 2, 2024

**Time:** 5:30 pm      **Place:** Town Hall, 64 Farnum Pike, Smithfield, Rhode Island

**Members Present:** Chairman S. James Busam  
Vice Chair Linda Marcello  
Edward Civito  
John Hunt  
Richard Leveille  
Alt. Frank Smith

**Members Absent:** None

**Others Present:**  
Zoning Board Clerk, Donna Corrao

Meeting session opened at 5:30 p.m.

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## COMMUNICATIONS/ADMINISTRATION

### A) Emergency Evacuation and Health Notification

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## NEW BUSINESS

**Case:** 24-012  
**Applicant/Owner:** GDM ESS, LLC.  
**Address:** 155 Mountaindale Road  
**Plat/Lot:** AP 43/Lot 53  
**Zoning District:** R-80

### Case Summary:

GDM ESS, LLC as applicant and owner of property located at 155 Mountaindale Road, listed at Plat 43, Lot 53 seeks to appeal the decision of the Town of Smithfield Zoning Department to deny the applicant's special use permit application to construct an energy storage facility and substation under §4.3.D.15 and 4.4.D.15 "Utilities, Public or Private" 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 DENY the Appeal of the Decision of the Zoning Department:** Vice Chair Linda Marcello

**Motion seconded:** Edward Civito

**Voting to approve the motion:** Chairman S. James Busam  
Vice Chair Linda Marcello  
Edward Civito  
John Hunt  
Frank Smith

**Voting to deny the motion:** None

**The vote on the motion being 5 – 0, the motion carried.**



## Smithfield Zoning Board of Review Meeting Minutes October 2, 2024

**Time:** 6:00 pm      **Place:** Town Hall, 64 Farnum Pike

**Members Present:** Chairman S. James Busam  
Vice Chair Linda Marcello  
Edward Civito  
John Hunt  
Richard Leveille  
Alt. Frank Smith

**Members Absent:** None

**Others Present:** Assistant Town Solicitor, David Ursillo  
Zoning Board Clerk, Donna Corrao

Meeting session opened at 6:00 p.m.

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### COMMUNICATIONS/ADMINISTRATION

**B) Approval of meeting minutes for September 4, 2024.**

✓ **Motion to APPROVE the September 4, 2024 Minutes as Presented:** Edward Civito

**Motion seconded:** John Hunt

**Voting to approve the motion:** Chairman S. James Busam  
Vice Chair Linda Marcello  
Edward Civito  
John Hunt  
Frank Smith

**Voting to deny the motion:** None

**The vote on the motion being 5 – 0, the motion passed.**

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## **OLD BUSINESS**

**Case: 23-012**

**Applicant: Sunn Builders Inc.**

**Owner: Sunn Builders Inc. and Clover Leaf Ret LLC.**

**Address: 0 Putnam Pike, 270 Putnam Pike, 0 Brush Street, 280 Putnam Pike**

**Plat/Lots: 35/1, 1A, 1D, & 2**

**Zoning District: Mixed Use**

### **Case Summary:**

Sunn Builders, Inc. as applicant and Sunn Builders, Inc. & Clover Leaf Ret LLC as owners of property located at 0 Putnam Pike, 270 Putnam Pike, 0 Brush Street and 280 Putnam Pike listed at Plat 35, Lots 1, 1A, 1D & 2 seek an amendment to a previously granted resolution.

### **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 DENY the Amendment to a Previously Granted Resolution:** Richard Leveille

**Motion seconded:** John Hunt

**Voting to approve the motion:** Chairman S. James Busam  
Vice Chair Linda Marcello  
Edward Civito  
John Hunt  
Richard Leveille

**Voting in Opposition:** None

**The vote on the motion being 5 – 0, the motion carried.**

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**Case: 24-013**

**Applicant/Owner: CGRI Greenville LLC.**

**Address: 473 Putnam Pike**

**Plat/Lot: 43/85**

**Zoning District: Planned Development**

**Case Summary:**

CGRI Greenville LLC as applicant and owner of property located at 473 Putnam Pike listed as Plat 43, Lot 85 seek a Use Variance to deviate from §4.3.G.2 and 4.4.G.2.(G) "Animal Hospital, Veterinarian Office" to construct an animal hospital/veterinarian office 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 Use Variance with Conditions:** Edward Civito

**Motion seconded:** Vice Chair Linda Marcello

**Voting to approve the motion:** Chairman S. James Busam  
Vice Chair Linda Marcello  
Edward Civito  
John Hunt  
Richard Leveille

**Voting in Opposition:** None

**The vote on the motion being 5 – 0, the motion carried.**

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Respectfully submitted,

Donna Corrao, Zoning Board Clerk

**TOWN OF SMITHFIELD**  
**ZONING BOARD OF APPEALS**

64 Farnum Pike, Smithfield, Rhode Island 02917

(401) 233-1039

*S. James Busam, Chairman*

*Linda Marcello, Vice Chairman*

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OWNER/ APPLICANT: GDM ESS, LLC as Appellant

DATE: October 2nd, 2024

FILE NO.: 24-12

**A RESOLUTION DENYING THE APPEAL OF GDM ESS, LLC**

WHEREAS, a meeting of the Smithfield Zoning Board of Appeals was held on October 2nd, 2024, wherein the instant appeal was considered;

WHEREAS, Attorney John O. Mancini , as attorney for the Appellant and owner a property located at 155 Mountindale Road, Smithfield, Rhode Island listed as Assessor’s Plat 43, Lot 53, located in a R-80 zone, filed an appeal with the Smithfield Zoning Board of Appeals seeking to reverse a decision of the Deputy Zoning Official dated April 18th, 2024 rejecting the acceptance of the Appellant’s application for a special use permit for a “ battery energy storage facility” . A copy of the Deputy Zoning Official’s decision is attached hereto as Exhibit “A”.

WHEREAS, Attorney Mancini submitted an appeal of the Deputy Zoning Official’s decision by correspondence dated April 26<sup>th</sup>, 2024 addressed to the Smithfield Zoning Board of Appeals a copy of which is attached hereto as Exhibit “B”. A public hearing on the appeal was held by the Smithfield Zoning Board of Appeals on October 2<sup>nd</sup>, 2024 , after due and public notice as provided under the Smithfield Zoning Ordinance and the Rhode Island General Laws with the appropriate notices and return receipts being part of the record;

WHEREAS, at the hearing all those who desired to be heard were heard and their testimony recorded by video, tape and/ or stenographic means;

WHEREAS, the Board accepts and incorporates into the record all documents submitted as part of the hearing on the appeal;



WHEREAS, the Board accepts and incorporates into the record the stenographic or audio or video recording for which this hearing was conducted;

WHEREAS, Attorney John O., Mancini, after being duly sworn, appeared on behalf of his client and stated that the decision of the Deputy Zoning Official Christopher Gentile dated April 14<sup>th</sup>, 2024 in refusing to accept his client's application for special permit to construct a "energy storage and substation facility" in a R-80 zone and that said use was prohibited under the Smithfield Zoning Ordinance at the time of the submission of Appellant's special use application was erroneous;

WHEREAS, Attorney John O. Mancini further stated that the Appellant acquired vested rights in the proposed use by virtue of the appellant's submission of its master plan application for a major land development project to construct an " energy storage facility/substation in an R-80 zone" on November 22<sup>nd</sup>, 2023 prior to the time the Town of Smithfield enacted a zoning ordinance amendment prohibiting said use in all zones within the Town of Smithfield on January 9<sup>th</sup>, 2024 having an effective date of February 9<sup>th</sup>, 2024 ;

WHEREAS, Attorney Kelly Morris Salvatore , after being duly sworn, appeared on behalf of the Deputy Zoning Official Christopher Gentile and stated that the decision of the Deputy Zoning Official should be sustained and that the Appellant never acquired any vested rights with respect to the proposed use arising from its failure to submit an application for a special use permit with the Smithfield Zoning Official and Smithfield Zoning Board of Review as required under Section 10.8(A) of the Town of Smithfield Zoning Ordinance for a " Energy storage and substation facility" prior to the time the Town enacted its January 9<sup>th</sup> , 2024 zoning ordinance amendment prohibiting said use in the Town of Smithfield .

WHEREAS; the Board of Appeals opened the application hearing to the public and there were abutters present to speak in favor of or against this appeal;

WHEREAS, several abutting property owners appeared after being duly sworn, and commented that the appellant did not acquire any vested rights with respect to the proposed battery storage use by its failure to apply for a special use permit prior to the effective date of Town of Smithfield's zoning ordinance prohibiting said use in the Town of Smithfield ;

WHEREAS, without any additional comment, the public hearing was closed;

WHEREBY, the Board of Appeals makes the following findings , in addition to the above, that evidence has been entered into the record of the proceeding, both documentary and testimonial, showing that:

1. On October 4<sup>th</sup>, 2023 a zoning certificate was issued to the Appellant by the Zoning Official Christopher Gentile stating that the Appellant's proposed use of the property as a "Utility Facility- Energy Storage and substation" was classified as a private utility requiring a special use permit and that the Appellant should seek to obtain a special use permit from the Zoning Board of Review. (A copy of said zoning certificate is attached hereto as Exhibit "C").

2. On October 19<sup>th</sup>, 2023 , the Appellant appeared before the Smithfield Planning Board at a pre-application conference prior to its submission of a master plan application for a major land development project for the construction of a “ Energy Storage and Substation Facility” in an R-80 zone.
3. The minutes from the October 19<sup>th</sup>, 2023 Planning Board meeting attached hereto as Exhibit “D” reflect that the Appellant’s counsel stated on the record that the approval of the “energy storage and substation facility” use was contingent upon the Appellant obtaining a special use permit from the Smithfield Zoning Board of Review.
4. The Appellant subsequently submitted a master plan application for a major land development project for the proposed use with the Smithfield Planning Department on November 22<sup>nd</sup>, 2023.
5. The master plan application was certified as complete by the Smithfield Planning Department on December 17<sup>th</sup>, 2023 yet no application for a special use permit for the proposed use was ever filed with the Smithfield Zoning Board of Review.
6. On January 9<sup>th</sup>, 2024, the Smithfield Town Council adopted a zoning ordinance amendment which prohibited energy storage and substation facilities in all zoning districts within the Town of Smithfield.
7. The zoning ordinance amendment attached hereto as Exhibit “E” became effective on February 9<sup>th</sup>, 2024.
8. On April 10<sup>th</sup>, 2024, the Appellant filed an application with the Smithfield Zoning Official and Zoning Board of Review for a Special Use permit for an energy storage and substation facility in an R-80 zone.
9. The Appellant’s failure to file an application for a special use permit for an energy storage and the Smithfield Zoning Official and Zoning Board of Review prior to the February 9<sup>th</sup>, 2024 effective date of the zoning ordinance amendment prohibited the Appellant’s proposed use in all zoning districts within the Town of Smithfield.
10. The Appellant never acquired any vested rights pursuant to Rhode Island General Law 45-24-44 and Sections 10.8A and 11.3 A of the Smithfield Zoning Ordinance with respect to its application for a special use permit because no special use permit application was ever filed with the Smithfield Zoning Official and Zoning Board of Review prior to the effective date of the zoning ordinance amendment on February 9<sup>th</sup>, 2024 prohibiting said use within all zoning districts within the Town of Smithfield. A copy of Rhode Island General Law 45-24-24 and Sections 10.8A and 11.3 A of the Smithfield Zoning Ordinance are attached hereto as Exhibit “F”.
11. The Appellant was on notice that a special use permit was required for the proposed use by virtue of the Deputy Zoning Official’s October 4<sup>th</sup>, 2023 zoning certificate and Appellant’s counsel’s statements made at the October 19<sup>th</sup>, 2023 pre-application conference with the Smithfield Planning Board wherein the Appellant stated that approval of the Appellant’s project would be contingent upon the Appellant obtaining a special use permit for the proposed use from the Smithfield Zoning Board of Review
12. The Appellant raises the provisions of Unified Development Review as part of its appeal. The provisions of unified development review under Rhode Island General Law 45-23-50.1 were never incorporated into the Town of Smithfield zoning ordinance prior to January 1<sup>st</sup>, 2024. The Board further finds that even if unified development review provisions were part of the Town of Smithfield Zoning Ordinance

at the time the Appellant made its initial master plan application the Appellant never requested any special use permit neither as part of its initial master plan application or any amended application which would have been required under Rhode Island General Law 45-24-46.4(c)(2) and 45-23-50.1(b)(3) prior to the effective date of the zoning ordinance amendment prohibiting the proposed use .

13. The Board also outright rejects Appellant’s reliance on Rhode Island General Law 45-23-61(2) in support of its position that the Appellant acquired vested rights with respect to the proposed “energy storage and substation” use prior to the effective date of the February 9<sup>th</sup>, 2024 zoning ordinance amendment prohibiting said use within all zones within the Town of Smithfield .The Appellant never filed an application for a special use permit with the Smithfield Zoning Official and Zoning Board of Review for the proposed energy storage substation facility use for which the Planning Board would be required to issue an advisory recommendation under Rhode Island General Law 45-23-61(2) until April 10<sup>th</sup>, 2024 a full two months after the zoning ordinance amendment prohibiting energy storage and substation facilities became effective within the Town of Smithfield .
14. The decision and findings of the Deputy Zoning Official in his correspondence to the Appellant’s attorney John O. Mancini dated April 18<sup>th</sup>, 2024 are hereby affirmed and the appellant’s appeal is denied.

BY ORDER OF THE SMITHFIELD  
ZONING BOARD OF REVIEW

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S. James Busam, Chairman

APPEAL DENIED  
BY A VOTE OF 5 – 0

FOR: Chairman S. James Busam, Edward Civito, John Hunt, Richard  
Leveille, Linda Marcello  
AGAINST: None  
ABSTAINED: None

THIS DECISION WILL BE PUBLICALLY POSTED IN  
A VISIBLE LOCATION IN THE TOWN HALL FOR  
A PERIOD OF TWENTY DAYS COMMENCING

November \_\_\_\_\_, 2024



# Town of Smithfield

# Exhibit A

Building & Zoning Department

64 Farnum Pike

Smithfield, RI 02917

Telephone: (401) 233-1039 Fax: (401) 233-1091

April 18, 2024

*via email and regular mail*

[jmancini@mancinircarter.com](mailto:jmancini@mancinircarter.com)

John O. Mancini, Esquire

Mancini Carter P.C.

56 Pine Street

Third Floor

Providence, RI 02903

Re: 155 Mountindale Road a/k/a AP 43, Lot 53  
Special Use Permit Application

Dear Mr. Mancini:

I received your letter on April 9, 2024, including an application for a special use permit for the development proposal under "Article 4 Use Regulations, 4.3 Table of Uses, D. 15 "Utilities, Public or Private." I have reviewed this application under the current Zoning Ordinance and have determined that I cannot accept this application as one for a special use permit. You have characterized the development proposal as one for "battery energy storage facility." As you state in your correspondence, the Town of Smithfield adopted a zoning amendment which effectively prohibits such use in all zoning districts as of February 9, 2024.

You reference R.I.G.L. § 45-24-44, including the requirement that "[a] zoning ordinance provides protection for the consideration of applications for development that are substantially complete and have been submitted for approval to the appropriate review agency in the city or town prior to the enactment of the new zoning ordinance or amendment." The Smithfield Zoning Ordinance provides that "[a]n Application for relief from the literal requirements of the Zoning Ordinance [including] an Application for a Special Use Permit may be made by any person... by filing with the Official<sup>1</sup> an Application describing the request and supported by such date and evidence as may be required by the Board." Zoning Ordinance ("ZO"), Sect. 10.8.A. As your application was not submitted to the Zoning Official on behalf of the Zoning Board as the "appropriate review agency" prior to the effective date of the zoning amendment, the use is prohibited, and the appropriate relief required would be a use variance or zoning amendment.

Contrary to your position, the Town's Zoning Ordinance did not provide for Unified Development Review on the date of submission of the Master Plan Application or when it was deemed complete. The Master Plan application is subject to the laws in effect when submitted and/or deemed complete and required a separate application for zoning relief submitted to the Zoning Official on behalf of the Zoning Board.

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<sup>1</sup> The Zoning Official is referred to as the "Official" in the Zoning Ordinance. Zoning Ordinance, Sect. 10.1.A.

John O. Mancini, Esquire

April 18, 2024

Page 2

In that I cannot accept your application as presented, I am enclosing the check that you submitted as a filing fee.

Respectfully,

A handwritten signature in cursive script that reads "Christopher Gentile".

Christopher Gentile  
Deputy Zoning Official

cc: Michael Phillips, Town Planner  
Christopher McWhite, Building and Zoning Official  
Anthony M. Gallone Jr. Esq., Solicitor

April 26, 2023

*via hand delivery*

**Exhibit B**

Smithfield Zoning Board of Review  
c/o Christopher McWhite, Building and Zoning Official  
64 Farnum Pike  
Smithfield, RI 02917

***Re: 155 Mountindale Road, a/k/a AP 43, Lot 53  
Appeal***

Dear Mr. McWhite,

Enclosed herewith please find the materials comprising the above Appeal, for filing on behalf of GDM ESS, LLC (the "Appellant"), with the Town of Smithfield's (the "Town") Zoning Board of Review (the "Board"). Particularly, the following documents:

1. The Original Copy of the Appeal, plus Eleven (11) Additional Copies;
2. Twelve (12) Copies of the Certificate of Completeness Email; and,
3. Twelve (12) Copies of the Decision Appealed.

Thank you in advance for reviewing the submittal materials and confirming completeness.

Additionally, the Appeal is likely to succeed because the Appellant vested its rights under the then-existing laws and ordinances effective December 17, 2023.

The Town adopted an ordinance on or about January 9, 2024, effective thirty (30) days thereafter, prohibiting 'Battery Energy Storage Facility' in every zoning district. The ordinance is inapplicable to the Application because the same vested prior to the ordinance's enactment. Both Rhode Island statutory law and the Town Code of Ordinances provide that an application is vested when submitted. Specifically, R.I. Gen. Laws § 45-24-44 provides:

- (a) **A zoning ordinance provides protection for the consideration of applications for development that are substantially complete and have been submitted for approval to the appropriate review agency in the city or town prior to enactment of the new zoning ordinance or amendment.**
- (b) Zoning ordinances or other land development ordinances or regulations specify the minimum requirements for a development application to be substantially complete for the purposes of this section.

(c) Any application considered by a city or town under the protection of this section shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted.

(d) If an application for development under the provisions of this section is approved, reasonable time limits shall be set within which development of the property must begin and within which development must be substantially completed.

See R.I. Gen. Laws § 45-24-44 (*emphasis added*).

On December 17, 2023, the Master Plan Application was deemed complete as part of a unified development review. As a result, the Applicant's rights to be heard under the existing Ordinance and statutory law vested at the time of approval. Specifically, the governing use table for the Applicant's Special Use Permit Application remains D.15 "Utilities, Public or Private – Energy Storage and Substation", which is permitted by special use permit in the R-80 zone.

R.I. Gen. Laws § 45-~~24~~<sup>23</sup>-50.1 mandates that municipalities provide for unified development review. When the Applicant vested its rights on December 17, 2023, it was entitled to retain the benefit of operating under the D.15 "Utilities, Public or Private – Energy Storage and Substation" ordinance while applying for a special use permit. *Wasserman v. Town of Gloucester*, 2002 WL 32334823, at \* (R.I. Super. Ct. Dec. 17, 2002) ("**Thus, when a change to a zoning regulation occurs after the submission of an application which does not adversely impact the application, the provisions of § 45-24-44 do not apply.**") Here, the new guidance of § 45-24-50.1 provides that a municipality must provide for unified development review; the Applicant accordingly seeks such review as a material benefit while retaining its vested rights from December 2023. Resultingly, the Applicant's Special Use Permit Application must be heard under unified development review and considered under the Table of Uses providing for special use permits in the R-80 zone for D.15 "Utilities, Public or Private – Energy Storage and Substation."

Accordingly, any later-enacted ordinances that are detrimental to Applicant's Application and/or Appeal, such as the 'Battery Energy Storage Facility' ordinance, are inapplicable to the Applicant's present Application.

In closing, we are looking forward to presenting the Application to the Planning Board. Should you have any questions, or require additional information in the interim, please feel free to contact me directly.

Very truly yours,

John O. Mancini

encs.

cc: Client



# Town of Smithfield

64 FARNUM PIKE  
SMITHFIELD, RHODE ISLAND 02917

Building / Zoning Office

Telephone (401) 233-1039  
Fax (401) 233-1091

## APPLICATION FOR ZONING CERTIFICATE

Date of Request: September 25, 2023

\$20 Fee: Cash

Address of Requested Property: 155 Mountindale Road, Smithfield, RI

Anticipated Use: Utilities, Public or Private (Utility Facility – Energy Storage and Substation)

Requesting Party's Name: GDM ESS, LLC

Requesting Party's Address: 2000 Chapel View Blvd., Suite 500, Cranston, RI 02920

Phone: 401-295-4998

Email: km@green-ri.com

Fax: N/A

**DO NOT WRITE BELOW THIS LINE ...OFFICIAL USE ONLY**

## ZONING CERTIFICATE

Date of Certificate: October 4, 2023

Assessor's Plat: 43

Lot: 053

Property Address: 155 Mountindale Road, Smithfield, RI

Owner: GDM ESS LLC

Present Use: Vacant Land

Presently Zoned: Single Family Residential, 80,000 s.f (R-80)

Conformance: No

Comments: The Utilities, Public or Private (4.3.Table of Uses D.15.) use is permitted only by Special Use Permit in an R-80 Zone. The applicant should seek to obtain a Special Use Permit from the Zoning Board of Review.

Official's Signature: Christopher J. Gentile Recipient: \_\_\_\_\_

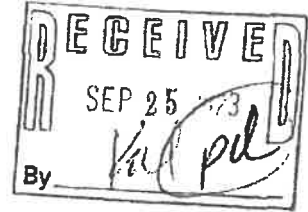
Official's Name and Title: Christopher J. Gentile, Deputy Zoning Official

This zoning determination is made according to the Officials interpretation. Parties can appeal this determination to the Town of Smithfield Zoning Board of Review. Please note that this determination deals with the appropriateness of the anticipated use per Zoning Code only. Full compliance with State Building Code, State Sanitary Code, Local Zoning and City Ordinances is not considered in this determination.





Town of Smithfield
64 FARNUM PIKE
SMITHFIELD, RHODE ISLAND 02917



Building / Zoning Office

Telephone: (401) 233-1039
Fax: (401) 233-1091

APPLICATION FOR ZONING CERTIFICATE

Date of Request: 9/25/23 \$20 Fee: CASH /- CHECK
Address of Requested Property: 155 Mountindale Road Smithfield, RI - AP 43 Lot 53
Anticipated Use: Utility Facility - Energy storage and substation
Requesting Party's Name: GDM ESS, LLC
Requesting Party's Address: 2000 Chapel View Blvd. Suite 500 Cranston RI 02920
Phone: 401-295-4998 Email: km@green-ri.com Fax:

DO NOT WRITE BELOW THIS LINE...OFFICIAL USE ONLY

ZONING CERTIFICATE

Date of Certificate:
Assessor's Plat: Lot:
Property Address:
Property Owner:
Present Use:
Presently Zoned: Conformance:
Comments:

Official's Signature:

Official's Name & Title:

This zoning determination is made according to the Official's interpretation. Parties can appeal this determination to the Town of Smithfield Zoning Board of Review.



# Town of Smithfield *Planning Board*

Exhibit D

64 FARNUM PIKE

ESMOND, RHODE ISLAND 02917

## **October 19, 2023 Meeting Minutes**

**Members Present:** Angelica Bovis, Charles Boyd, Richard Colavecchio, James D'Ambra, Catherine Lynn, Al Nani, Joseph Rotella, John Yoakum  
**Members Absent:** Michael Moan  
**Others Present:** Michael Phillips, *Town Planner*, David Ursillo, *Assistant Town Solicitor*

Secretary Richard Colavecchio opened the October 19, 2023 meeting of the Smithfield Planning Board at 6:00 p.m.

### **EMERGENCY EVACUATION AND HEALTH NOTIFICATION**

John Yoakum read the Emergency Evacuation and Health Notification.

**MINUTES:** Discuss and approve the September 21, 2023 meeting minutes.

Richard Colavecchio stated that the Emergency Evacuation and Health Notification was given by James D'Ambra and not himself as recorded.

Catherine Lynn made a motion, seconded by Rotella, to approve the Planning Board meeting minutes for August 31, 2023 as amended. The vote on the motion was as follows:

Voting In Favor: Members Boyd, Colavecchio, D'Ambra, Lynn, Nani, and Rotella  
Voting In Opposition: None  
Abstaining: Members Bovis and Yoakum

The vote on the motion being six in favor with two abstentions, the motion carried.

### **REGULAR AGENDA**

#### ***OLD BUSINESS***

#### **DRG ACRES - (ID#: 23-09) Informational Meeting**

Major Subdivision – Master Plan Review  
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

- a. *The Board will review and discuss the proposed submission with the project proponent.*
- b. *The Board will conduct a public informational hearing to receive input on the proposed project.*
- c. *The Board may schedule a site visit or waive the requirement.*
- d. *The Board may approve the Master Plan as submitted, approve with changes and/or conditions, deny the application or continue the meeting to a future date.*
- e. *The Board may make a recommendation to the Town Council on the requested zone change.*
- f. *The Board may make a recommendation to the Zoning Board of Review on the requested dimensional relief.*
- g. *The Board may authorize the Town Planner to prepare a written decision consistent with the Board's findings of fact and motion for signature by the Chair and subsequent recording.*

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Attorney Joseph Shekachi requested continuing the hearing in for the applicant to address the roadway and lot configuration.

The informational meeting was opened at 6:46 p.m.

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.

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

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.

### **ELECTION OF OFFICERS**

Nominate and vote upon the election of the following officers:

- a. *Chair*
- b. *Vice Chair*
- c. *Secretary*

Charles Boyd made a motion, seconded by Al Nani, to elect James D'Ambra for the position of Chairman. The vote on the motion was as follows:

Voting In Favor: Members Bovis, Boyd, D'Ambra, Nani, Rotella, Lynn

Voting In Opposition: Members Yoakum, Colavecchio

Abstaining: None

The vote on the motion being six in favor with two abstentions, the motion carried.

Catherine Lynn made a motion, seconded by Richard Colavecchio, to elect John Yoakum for the position of Chairman. The vote on the motion was as follows:

Voting In Favor: Members Yoakum, Colavecchio

Voting In Opposition: Members Bovis, Boyd, D'Ambra, Nani, Rotella, Lynn

Abstaining: None

The vote on the motion being two in favor with six in opposition, the motion failed.

Angelica Bovis made a motion, seconded by James D'Ambra, to elect Charles Boyd for the position of Vice Chairman. The vote on the motion was as follows:

Voting in Favor: Members Boyd, Bovis, D'Ambra, Nani, Rotella

Voting in Opposition: Members Yoakum, Colavecchio, Lynn

Abstaining: None

The vote on the motion was five in favor with three in opposition and the motion carried.

Richard Colavecchio made a motion, seconded by Catherine Lynn, to elect John Yoakum for the position of Vice Chairman. The vote on the motion was as follows:

Voting in Favor: Members Yoakum, Colavecchio, Lynn

Opposition: Members Bovis, Boyd, D'Ambra, Nani, Rotella

Abstaining: None

The vote on the motion was three in favor with five in opposition and the motion failed.

Al Nani made a motion, seconded by James D'Ambra, to elect Joseph Rotella for the position of Secretary. The vote on the motion was all in favor and the motion carried.

### ***NEW BUSINESS***

#### **GDM ESS, LLC - (ID#: 23-12) Pre-Application/Concept Review**

Major Land Development – Pre-Application/Concept Review

AP 43 / Lot 53 – 155 Mountaindale Road

21.39 Acres (approx.) / Zone: R-80

Applicant/Owner: GDM ESS, LLC

Engineer: DiPrete Engineering

- a. *The Board will review the submission with the applicant and provide input for future review stages.*

Assistant Solicitor David Ursillo recused himself from the hearing of this application.

Attorney John Mancini represented the applicant stating this is a request for a battery storage facility located on Mountaindale Road requiring a special use permit from the Zoning Board.

Kevin Morin, VP of Engineering and Development, and Hannah Morini, VP of Policy and Business Development with Green Development, reviewed a PowerPoint presentation with the Board.

Eric Prive, Registered Professional Engineer with Diprete Engineering, reviewed the site plans stating the proposal is for 65-megawatt storage facility with a 20-foot-wide access road from Mountaindale Road. Mr. Prive stated there is area for a future substation and the facility is adjacent to a transmission line. Mr. Prive stated that they will be maintaining all RIDEM wetland buffers, providing a location for fire protection cistern, no utilities proposed, will landscape entrance.

Richard Colavecchio questioned how much clearing will be done and Eric Prive estimated 6 to 8 acres of the 21-acre site. Kevin Morin stated there is 8.7 acres that could be added to Mercer Outlook which leaves a 12-acre balance. Mr. Colavecchio stated his concern with burn out and Mr. Morin replied they will be required to follow all kinds of regulations and will have consultants come in to inform the Board on all safety issues.

Catherine Lynn questioned whether there will be any blasting and Eric Prive replied they have not done that kind of soil evaluation yet. Ms. Lynn stated that she would like to see a better schematic of the houses on Mountaindale Road and that this project is changing the rural aspect of the area. Ms. Lynn stated her concern with noise coming from the facility, wildlife, stonewalls and old cellar holes, being located in a natural heritage area, and battery acid leaking into the wetlands area. Mr. Prive stated that their preliminary investigation did not see any cellar holes and that they will provide details on natural heritage at the next meeting.

Joseph Rotella questioned the distance from the battery facility to the nearest homes and Eric Prive replied it is about 300 feet.

Kevin Morin stated that the firm engaged a consultant to do an ambient noise monitoring study and that he will bring that information forward to the next stage of review.

James D'Ambra questioned whether the company has any connection to PPL and Kevin Morin replied they are not affiliated with RI Energy or PPL. Mr. Rotella questioned whether agreements are in place with the owners of the transmission lines and Hannah Morini replied that she believes all agreements are public record.

Charles Boyd stated his concern with lights and security.

John Yoakum questioned whether there have been any studies on negative environmental impacts from these projects and Kevin Morin replied their consultants will address this.

Angelica Bovis stated her concerns with the amount of land clearing but is happy to know they will be adding land to Mercer Outlook.

Town Planner Michael Phillips questioned how many facilities are needed in RI to make an effect on peak rates and Hannah Morini replied that she is not sure but will get that information.

Joseph Rotella questioned whether there are other facilities anywhere in RI and Hannah Morini replied not yet and that they have two facilities that are further along in the planning process but none that are fully operational in the area nearby.

Richard Colavecchio questioned whether there is a decommissioning program and Hannah Morini replied there is through their partner SRG,

John Yoakum questioned whether there is any direct benefit to Rhode Island residents and Hannah Morini replied that the benefit is that energy will be generated more locally, be cleaner, should alleviate peak cost, and reduce reliance on natural gas.

Charles Boyd questioned how much taxes will be brought into the Town and Hannah Morini replied they will look into this.

#### **DISCUSSION OF 2024 PLANNING BOARD MEETING SCHEDULE**

Joseph Rotella made a motion, seconded by Al Nani, to approve the 2024 Planning Board meeting schedule as proposed. The vote on the motion was all in favor and the motion carried.

Catherine Lynn made a motion, seconded by Joseph Rotella, to adjourn the meeting at 8:04 p.m. The vote on the motion was all in favor and the motion carried.

The next meeting is scheduled for **Thursday, November 16, 2023 at 6:00 p.m.**

Respectfully submitted,

Donna A. Corrao, Recording Secretary

# Exhibit E

## AN ORDINANCE AMENDING SECTIONS 4.4 SUPPLEMENTARY USE REGULATIONS, 4.3 TABLE OF USES AND SECTION 9.4.8, TABLE 3-EGO-LAND USES OF THE SMITHFIELD ZONING ORDINANCE.

IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:

Section 1. Amend Section 4.4 *Supplementary Use Regulations* is hereby amended by adding the following new section:

### 4.4 Supplementary Use Regulations

*D-20. Battery Energy Storage Facility - Energy storage systems (ESS) are electrical (e.g., capacitors), electrochemical (e.g., lithium - ion batteries), mechanical (e.g., pumped hydro), or hybrid technologies leveraging the products of other processes (e.g. combined heat and power plants) which store energy for later use.*

Section 2. Amend Section 4.3 *Table of Uses* is hereby amended by changing the district use designation of the following uses from Special Use Permit ("S") to Prohibited ("N") in all zoning districts:

*A-9. Greenhouses or Nursery, Commercial; B-3. Boarders; B-9. Dwelling, Single Family Detached - Single family detached residence; B-10. Dwelling, Two Family - Two family residence; C-2. Office, Governmental, Business, Professional; C-3. Office Park - Office park, C-5. Office, Real Estate, Temporary; C-7 Health Management Organization (HMO); D-4. Cultural Activities, Libraries, Museums - Cultural activities, including libraries and museums; D-9. Municipal Building, Except Penal Facility; D-10. Municipal Fire, Police, or Rescue Station; D-11. Penal Facility or Prison - Penal facility, prison, detention center, training school, or correctional institution; D-12. School, Public and Private - Pre-school, Elementary through High School; D-13. Trade School, not utilizing heavy equipment; D-16. Waste Management Facility; E-4. Outdoor Movie Theater, Commercial Amusement Park or Racetrack; E-5. Public Park or Playground; E-6. Public Swimming Pool or Beach, E-7. Riding Academy or Stable, Commercial; I-2. Trade Establishment; I-3. Machine Shop (Metal Works); I-4. Personal Service Establishments; I-5. Tattoo Parlor; I-6. J-4. General Industrial - Manufacturing, and J-5. Heavy Industrial.*

Section 3. Amend Article 9, Section 9.4.8, *Table 3-EGO-Land Uses* by changing the district use designation of the following uses from Special Use Permit ("S") to Prohibited ("N") in all zoning districts:

*Dwelling, Two Family; Life Care Facility- >120 beds; Nursing Home - >120 beds; Hospital, Health Services Facility; Restaurant, Restaurant with Window Service, Restaurant with Entertainment/Alcohol ->7,500 sq.ft.; Hotel >100 rooms; Health & Fitness Center - >20,000 sq.ft.; Sports Facility (Indoor) - >50,000 sq.ft.; Sports Facility (Indoor) on parcels ≤ 30 Acres - 40,000 sq.ft.; Retail - >45,000 sq.ft.; Retail on parcels ≤ 30 Acres - > 40,000 sq.ft.; Supermarket - >50,000 sq.ft.; Supermarket on parcels ≤ 30 Acres - > 40,000 sq.ft.; Shopping Centers - >50,000 sq.ft.; Shopping Centers on parcels ≤*



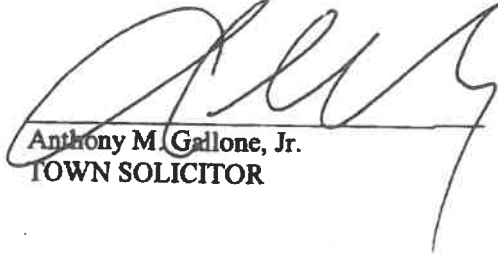
30 Acres - > 40,000 sq.ft.; Colleges; Radio or Television Studio; Flex Space Building - >40,000 sq.ft.; Performing Arts Theater - >320 Seats; Cinema (Up to 3 screens)

**Section 4.** – Amend Section 4.4 Supplementary Use Regulations by adding the following language as criteria in the following use categories: *G-22. Retail Sales, Under 5,000 s.f. GFA, G-23. Retail Sales, 5,000 to 40,000 s.f. GFA and G-24. Shopping Centers, over 40,000 s.f. GFA:*

- A. *Ingress and egress driveways shall be located at least one hundred fifty (150) linear feet from any corner when said property abuts an intersection of two (2) streets to provide adequate sight distance for both vehicles and pedestrians.*
- B. *Ingress and egress shall be arranged so that vehicles need not back on or across any sidewalk or street.*
- C. *All ingress and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is not greater than its width at the curb, excluding any curbed or tapered section known as a curb return.*
- D. *Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, bollards or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.*
- E. *All curb cuts, widths, and other specifications shall comply with the standards established by the Smithfield Land Development and Subdivision Review Regulations.*

Section 6. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

**APPROVED AS TO FORM AND LEGAILITY:**



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Anthony M. Gallone, Jr.  
TOWN SOLICITOR

ADOPTED: January 9, 2024



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T. Michael Lawton  
TOWN COUNCIL PRESIDENT



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Lyn M. Antonuccio  
TOWN CLERK





# Title 45

## Towns and Cities

# Exhibit F

### Chapter 24

### Zoning Ordinances

#### R.I. Gen. Laws § 45-24-44

##### § 45-24-44. General provisions — Creation of vested rights.

- (a) A zoning ordinance provides protection for the consideration of applications for development that are substantially complete and have been submitted for approval to the appropriate review agency in the city or town prior to enactment of the new zoning ordinance or amendment.
- (b) Zoning ordinances or other land development ordinances or regulations specify the minimum requirements for a development application to be substantially complete for the purposes of this section.
- (c) Any application considered by a city or town under the protection of this section shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted.
- (d) If an application for development under the provisions of this section is approved, reasonable time limits shall be set within which development of the property must begin and within which development must be substantially completed.

History of Section.  
P.L. 1991, ch. 307, § 1.

receipt of an Application, request that the Planning Board report its findings and recommendations, including a statement on the general consistency of the Application with the goals and purposes of the Comprehensive Plan of the Town, in writing to the Board within thirty (30) days. The failure of the Planning Board or Town Engineer to render an opinion shall not be construed to signify either approval or disapproval of the Application.

L. **Decisions and Records of the Zoning Board of Review**

1. Following a public hearing, the Board shall render a decision within sixty (60) calendar days. The Board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the Official within thirty (30) working days from the date when the decision was rendered, and shall be a public record. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the Official in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the Board shall have the minutes taken by a competent stenographer.
2. Any decision by the Board, including any special conditions attached thereto, shall be mailed to the applicant, to the Planning Board, and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration. Any decision evidencing the granting of a Variance or Special Use Permit shall also be recorded in the Land Evidence Records of the Town.

**10.8 VARIANCES AND SPECIAL USE PERMITS**

A. **Application**

An Application for relief from the literal requirements of a Zoning Ordinance because of hardship or an Application for a Special Use Permit may be made by any person, group, agency or corporation, provided that the owner or owners of the subject property must join in any Application, by filing with the Official an Application describing the request and supported by such data and evidence as may be required by the Board. An Application from a corporation must be signed by its attorney or duly authorized officer of the corporation. The Official shall immediately transmit such Application received to the Board and shall transmit a copy of each Application to the Planning Board.

B. **Hearing and Notice**

The Board shall hold a public hearing on any Application for Variance or Special Use Permit in an expeditious manner, after receipt, in proper form, of an Application, and shall give public notice thereof at least fourteen (14) days prior to the date of the hearing, which notice shall include the precise location of the subject property, including the street address, and a description of the relief sought, as follows:

1. In a newspaper of general circulation in the Town, and,

2. By Certified Mail, Return Receipt Required, to:
  - a) all owners of the subject property in question; and,
  - b) all property owners of record of land within two hundred (200) feet of the property, which is the subject of the Application, whether within the Town or within an adjacent City or Town; and,
  - c) the City or Town Council of any City or Town to which one or more of the following pertain:
    - (1) Which is located in or within not less than two hundred (200) feet of the boundary of the subject property; or
    - (2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within two thousand (2,000) feet of the subject property, regardless of municipal boundaries; and,
  - d) the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within two thousand (2,000) feet of the subject property, provided, however, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the Official a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand (2,000) feet thereof.

C. **Standards for Relief**

1. **Variance**

In granting a Variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- a) 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 not due to a physical or economic disability of the applicant.
- b) that said 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.
- c) that the granting of the requested Variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town.
- d) that the relief to be granted is the least relief necessary.

- e) The Board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
  - (1) in granting a Use Variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a Use Variance; and
  - (2) in granting a Dimensional Variance, that the hardship that will be suffered by the owner of the subject property if the Dimensional Variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

2. Special Use Permit

In granting a Special Use Permit, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- a) that the Special Use is specifically authorized by this Ordinance, and setting forth the exact subsection of this Ordinance containing the jurisdictional authorization;
- b) that the Special Use meets all of the criteria set forth in the subsection of this Ordinance authorizing such Special Use; and
- c) that the granting of the Special Use Permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board shall consider, where applicable, the following:
  - (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - (2) Off-street parking and loading areas where required, with particular attention to the items set out in subsection (1) hereof.
  - (3) Required yards and other open spaces.
  - (4) Refuse and service areas, with particular reference to the items set out in Subsections (1) and (2) hereof.
  - (5) Utilities with reference to location, availability, and compatibility.

- c) The provision of open spaces and pedestrian amenities available to the public.
- d) The arrangement of access points, service roads, driveways, parking areas, and pedestrian walkways in a manner which facilitates interior circulation and minimizes conflict between vehicles and pedestrians.
- e) Provisions for underground placement of utilities.
- f) Provisions for surface run-off and the protection of the site and adjacent properties from erosion as a result thereof.
- g) The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy and to permit maximum protection of pedestrian areas from adverse impacts of winds, vapors or other emissions, shadows and or noise.
- h) Provisions for maintenance of common areas.
- i) All construction and development in the Village, Commercial, Highway Commercial, Light Industrial, Industrial, Planned Corporate, and Planned Development districts, as well as multi-family uses, shall comply with those terms and specifications of the Smithfield Land Development and Subdivision Review Regulations which relate to street construction, drainage, sewer lines, water lines, and performance bonds.

#### **10.10 APPEALS TO THE ZONING BOARD**

##### **A. Procedure**

An Appeal to the Board from a decision of any zoning enforcement agency or officer, or from the Planning Board, or from any other officer, agency or board of the Town for which the Zoning Board is designated as the Appeal Board, may be taken by an aggrieved party. Such Appeal shall be taken within thirty (30) days of the date of the rendering of the decision of the officer or agency. The Appeal shall be commenced by filing an Application with the Board, with a copy to the officer or agency from whom the Appeal is taken, specifying the ground thereof. The officer or agency from whom the Appeal is taken shall forthwith transmit to the Board all papers, including any transcript or audio tapes, constituting the record upon which the action appealed from was taken. Notice of the Appeal shall also be transmitted to the Planning Board.

##### **B. Stay of Proceedings**

An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the Appeal is taken certifies to the Board, after the Appeal shall have been duly filed, that by reason of facts stated in the certificate, a stay would in the officer's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer from whom the Appeal is taken on due cause shown.



C. **Public Hearing**

The Board shall fix a reasonable time for the hearing of the Appeal, give public notice thereof in the same manner as set forth in §10.8B of this Ordinance, as well as due notice to the parties of interest, and decide the same within 20 days of the hearing. The hearing of any Appeals shall be at a separate meeting from the hearing of any Variance or Special Use Permit Applications, although such hearings may be held on the same day or night. At the hearing, any party may appear in person or by agent or by attorney. The officer or a designated individual of the agency, commission, or board from whom the Appeal is taken shall appear before the Zoning Board at the hearing to represent such agency, commission or board. Other members of the agency, commission or board may appear and be heard, but shall not represent the agency, commission or board. The cost of any notice required for the hearing shall be borne by the appellant.

D. **Decisions and Records of the Board**

In exercising its powers in ruling, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the Appeal was taken. All decisions and records of the Board respecting Appeals shall conform to the provisions of §10.7L of this Ordinance.

**10.11 EXPIRATION OF VARIANCES AND SPECIAL USE PERMITS**

- A. Any Variance or Special Use Permit shall expire one year after the date of the filing of the resolution with the Town Clerk unless the applicant shall, within one year, obtain a legal Building Permit and proceed with the construction; or obtain a Certificate of Occupancy when no legal Building Permit is required. The Board may, upon written request and for cause shown prior to the expiration of the initial one year period, renew the Variance or Special Use Permit for a second one year period. Said request for an extension need not be advertised nor noticed.
- B. Should an applicant fail to begin construction with a legal Building Permit, or obtain a Certificate of Occupancy within the second one year period, the Board may upon written request prior to the expiration of the second one year period, renew the Variance or Special Use Permit for a third one year period provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the Variance or Special Use Permit since the date of the filing of the resolution, and notice shall be given in accordance with §10.8B and a hearing shall be held on the request.
- C. None of the year periods shall run during the pendency of any court actions seeking to overturn the grant.

**10.12 REPETITIVE PETITIONS**

Where the Board denies a request for a Special Use Permit or Variance or otherwise rules against the applicant on other than procedural grounds, the Board may not consider another Application requesting any or all of the same changes for a period of one (1) year from the date of such denial or withdrawal except:

- A. Where ordered to do so by a court of competent jurisdiction, or

- B. Where the Application is accompanied by an affidavit setting forth facts, to the satisfaction of said Board, showing a substantial change of circumstances justifying a rehearing.

### **10.13 APPEALS TO SUPERIOR COURT**

An aggrieved party may appeal a decision of the Board to the Superior Court for Providence County by filing a complaint setting forth the reasons of appeal within twenty (20) days after such decision has been filed and posted with the Town Clerk. The decision shall be posted in a location visible to the public in the Town Hall for a period of twenty (20) days following the recording of the decision. The Board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Board shall be made parties to such proceedings. The Appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the Appeal.

4. At least once every five (5) year period commencing with the effective date of this Ordinance, the Planning Board shall undertake a thorough review of the entire Comprehensive Plan, Zoning Ordinance and Map. The purpose of this full review is to provide for a periodic update of the Plan, Ordinance, and Map, and the systematic incorporation of all amendments into a new publication of the current documents. A report on this complete review shall be submitted to the Town Council in writing, not later than the end of the five (5) year period, or within five (5) years of the date of the last such report by the Planning Board.

**F. Publication and Availability of Zoning Ordinance**

Printed copies of this Ordinance and Map(s) shall be available to the general public through the Town Clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs. Upon publication of this Ordinance and Map(s), and any Amendments thereto, the Town Clerk shall send a copy, without charge, to the Associate Director of the Division of Planning of the Department of Administration of the State of Rhode Island and to the State Law Library.

**11.2 APPEAL OF ENACTMENT OF OR AMENDMENT TO ZONING ORDINANCE**

An Appeal of the Enactment of or an Amendment to this Ordinance may be taken to the Superior Court for Providence County by filing a complaint within thirty (30) days after such Enactment, or Amendment has become effective. The complaint shall set forth with specificity the area or areas in which the Enactment or Amendment does not conform with the Comprehensive Plan and/or the manner in which it constitutes a taking of private property without just compensation. Such Appeal may be taken by an aggrieved party or by any legal resident or landowner of the Town, or by any association of residents or landowners of the Town. This Appeal shall not stay the enforcement of the Zoning Ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the Appeal.

**11.3 VESTED RIGHTS**

**A. Completeness of Application**

Any Application for development under this Ordinance or a previous Zoning Ordinance, including an Application for a Building Permit, Special Use Permit, Variance, Planned Development, or Cluster Development, shall be deemed substantially complete when all required documents, including plans, together with required fees, are received by the Official designated herein to receive such Applications. Required documents shall include only those documents specified either by this Ordinance or by rules adopted and published by the permitting authority prior to the time the Application is filed.

**B. Substantially Complete Application**

Any Application for development under this Ordinance that is substantially complete prior to the enactment or amendment of this Ordinance, may, at the discretion of the applicant, be reviewed according to the regulations applicable in the Zoning Ordinance in force at the time the Application was submitted. If such Application is approved, the applicant must begin construction or exercise the right granted in the Application if no construction is involved, not more than one year after the date of such approval. All

construction must be completed not more than two years after the date of such approval, unless specifically set forth to the contrary in the original approval. If the applicant chooses to have the Application for Development reviewed under this Ordinance as amended, the applicant may do so provided that the review process shall be recommenced at the first stage of review.

C. **Actual Construction**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the lawful plans, construction, or designated use of any building on which actual construction was begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined as the placing of construction materials in permanent position and fastened in a permanent manner. Where filling, excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such filling, excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

D. **Approved Applications**

In addition, nothing in this Ordinance shall be deemed to require a change in the lawful plans, construction or designated use of any building or land which has been approved by the Zoning Board of Review or has been granted Pre-Application Approval by the Planning Board prior to the effective date of adoption or amendment of this Ordinance.

**11.4 EFFECTIVE DATE**

This Ordinance is effective when passed by the Town Council as of

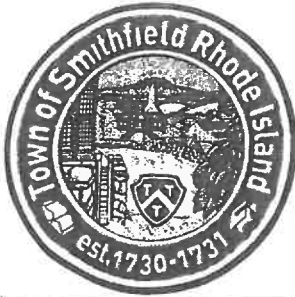
19 MAY 1998

*(date of adoption)*

**11.5 SEVERABILITY**

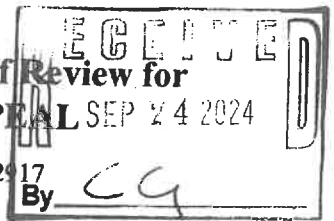
If any provision of this Ordinance or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of this Ordinance or the rule, regulation, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this Ordinance shall not affect the validity of the remainder of the Ordinance.





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

TOWN HALL, 64 FARNUM PIKE, ESMOND, RI 02917



File #

Rec'd by:

FILING FEES Application fee plus total postage cost for abutters' mailing.

Amt. Paid: \$ Amt. Due \$ 225.00

Date Fee Paid:

9/24/24

NOTE: Application and documentation shall be accepted only in duplicate PDF format

This APPLICATION must be completed in full prior to being considered by the Zoning Board of Review. Refer to Page Four of this APPLICATION for additional information and materials required for submission with the APPLICATION.

The UNDERSIGNED hereby applies to the Smithfield Zoning Board of Review for the following:

I HEREBY SUBMIT THE FOLLOWING INFORMATION IN SUPPORT OF THIS REQUEST FOR CONSIDERATION AND PUBLIC HEARING;

- 1. SPECIAL USE, as provided in Section 5.0 of the ZONING ORDINANCE.
2. VARIANCE from the application of a requirement(s) of the ZONING ORDINANCE.
3. APPEAL of Building Official, Planning Board Decision, or Zoning enforcement agency.
4. EXTENSION APPLICATION for recorded decision. Year 1 Year 2 Year 3

APPLICANT: James R Shaw ADDRESS: 2 Blue Feather Trail

PHONE: (401) 595-5814 Smithfield RI 02917

OWNR: James R. Shaw Rev Trust + Debra L Shaw ADDRESS: 2 Blue Feather Trail

PHONE: (401) 378-3976 Rev Trust Smithfield RI 02917

LESSEE/PURCHASER: existing/proposed ADDRESS:

PHONE:

1. Location of Property Street Address: 2 Blue Feather Trail Pole #

Assessor Plat No. 12 Assessor Lot No. 53/54

2. Size of Lot Dimensions: Width Depth Total Area Acres/Sq. Ft.

3. Zoning Designations Current Zoning District Classification of Property: R-20

4. Ownership Tenure

DATE of PURCHASE of the above stated property by the CURRENT OWNER: 10/31/2019

Will Ownership of said property be transferred by the CURRENT OWNER TO the APPLICANT for developmental purposes? Yes No Does Not Apply

5. Developmental Status and Proposal

A. Existing Developmental State

Are there any buildings on the property at present: Yes No

If YES, how many buildings? 3

IDENTIFY the Size and Use of each building \*\*:

Table with 4 columns: Building Type, Height, Area (Sq. Ft.), Use. Rows include house (30', 2198, home), shed (10', 192), and shed (10', 64).

\*\*NOTE: Use additional sheet(s) of paper, if necessary.

B. Proposed Development

Have plans for proposed construction activities for building structure(s) been submitted to the Office of the Smithfield Building Official? Yes No Does Not Apply

If YES, has a Building Permit been refused? Yes No

6. SPECIAL 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.

Four horizontal lines for handwritten input.

B. LIST precise ARTICLE(s) and SECTION(s) of the ZONING ORDINANCE which authorize consideration of the SPECIAL USE PERMIT described in above.

Three horizontal lines for handwritten input.

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.

Five horizontal lines for handwritten input.

7. VARIANCE (Complete this Section only if Box No. 2 of the Introduction is checked).

A. IDENTIFY proposed activity, action, or use for which VARIANCE from the terms of the ZONING ORDINANCE is requested.

Building detached garage.

Four horizontal lines for handwritten input.

B. LIST precise ARTICLE(s) and SECTION(s) of the ZONING ORDINANCE from which VARIANCE is requested. BRIEFLY DESCRIBE applicable regulation of standard and the variance that is requested.

Article 6.2.1A relief to put a detached accessory garage/structure in front yard

Two horizontal lines for handwritten input.

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.

This project will comply with section 10-8 C.1.

Two horizontal lines for handwritten input.

8. NATURE OF APPEAL (Complete this Section only if Box #3 of the Introduction is checked).

A. Appeal of Building Official (Attach copy of any denial, notification or correspondence relating to appeal).

1. Date of denial/issuance of permit or date of alleged error in enforcement of ordinance: \_\_\_\_\_, 20\_\_\_\_

2. Basis for Appeal (Cite applicable provisions of ordinance.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Appeal to the Smithfield Platting Board of Review from an action of the Smithfield Planning Board. (NOTE: attach copies of all correspondence, plans and the written decision pertaining to the appeal.)

Basis for Appeal (Cite applicable ordinance provisions and any other date in support of appeal.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Appeal to Zoning Enforcement Agency decision. (NOTE: attach copies of all correspondence, plans, and written decision pertaining to the appeal.)

Basis for Appeal (Cite applicable ordinance provisions and any other date in support of appeal.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/We, the UNDERSIGNED, swear that all information provided in this APPLICATION is to the best of MY/OUR knowledge complete and correct in every detail.

James Shaw  
Debra Shaw

Owner's Name Printed

Debra Shaw James R. Shaw  
Owner's Signature

RESPECTFULLY SUBMITTED,

James Shaw

Applicant's Name Printed

James R. Shaw  
Applicant's Signature

AGENT/ATTORNEY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_

DATE: \_\_\_\_\_



**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.

---

**SPACE BELOW RESERVED FOR ZONING BOARD OF REVIEW USE ONLY**

Date Notices Sent to  
Respective Property Owners: \_\_\_\_\_

Date of Newspaper Notice: \_\_\_\_\_

Newspaper \_\_\_\_\_

SAID DANA AHMED  
18 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917

COLBERT LINDSAY C ET VIRPATRICK B TE  
20 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917

MITCHELL KEVIN J  
24 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917

HOLL CHRISTOPHER NICHOLAS ET UXWHITNEY C  
TE  
22 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917

TAVIS ANTHONY MTAVIS MELISSA O  
4 BLUE FEATHER TRAIL  
SMITHFIELD, RI 02917

BRENNAN MARY CAROL TRUSTBRENNAN MARY  
CAROL TRUSTEE  
44 INDIAN RUN TRL  
SMITHFIELD, RI 02917


LAWRENCE MICHAEL P ET ALWAGNER TAMMY L JT  
40 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917

CERULLO TAMARA J  
39 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917


WATERMAN RICHARDWATERMAN KRISTIE  
21 INDIAN RUN TRAIL  
SMITHFIELD, RI 02917

FOTI RONALD J ET UXLAURIE G TE  
7 BLUE FEATHER TRAIL  
SMITHFIELD, RI 02917

TRI MAR DEVELOPMENT LLC  
8 TRISTAN COURT  
SMITHFIELD, RI 02917



Herland Cabrera  
12 Blue Feather Trail  
Smithfield, RI 02917



Lea Maroney  
8 Blue Feather Trail  
Smithfield, RI 02917



**Town of Smithfield  
Zoning Board of Review**

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

*S. James Busam, Chairman*

October 23, 2024

James Shaw as applicant and James R. Shaw Rev. Trust and Debra L. Shaw Rev. Trust as owners of property located at 2 Blue Feather Trail listed at Plat 12, Lot 53 seek a variance to construct a detached garage in the front yard.

A public hearing on this application has been scheduled for Wednesday, November 6, 2024 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.....

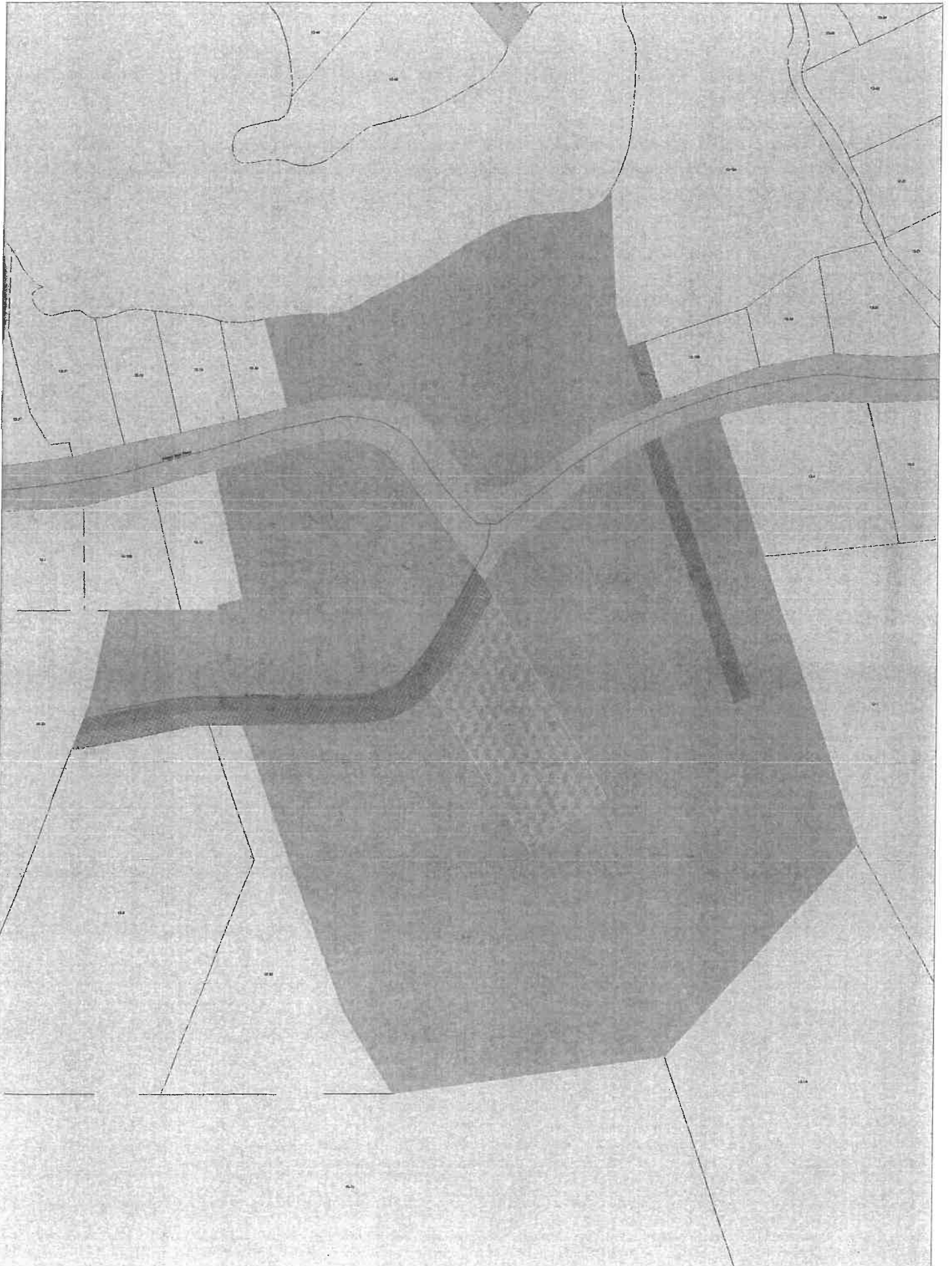
Please also note that the application and documents in regard to this case are on file for public inspection in the office of the Town of Smithfield's Building Official, address listed above.

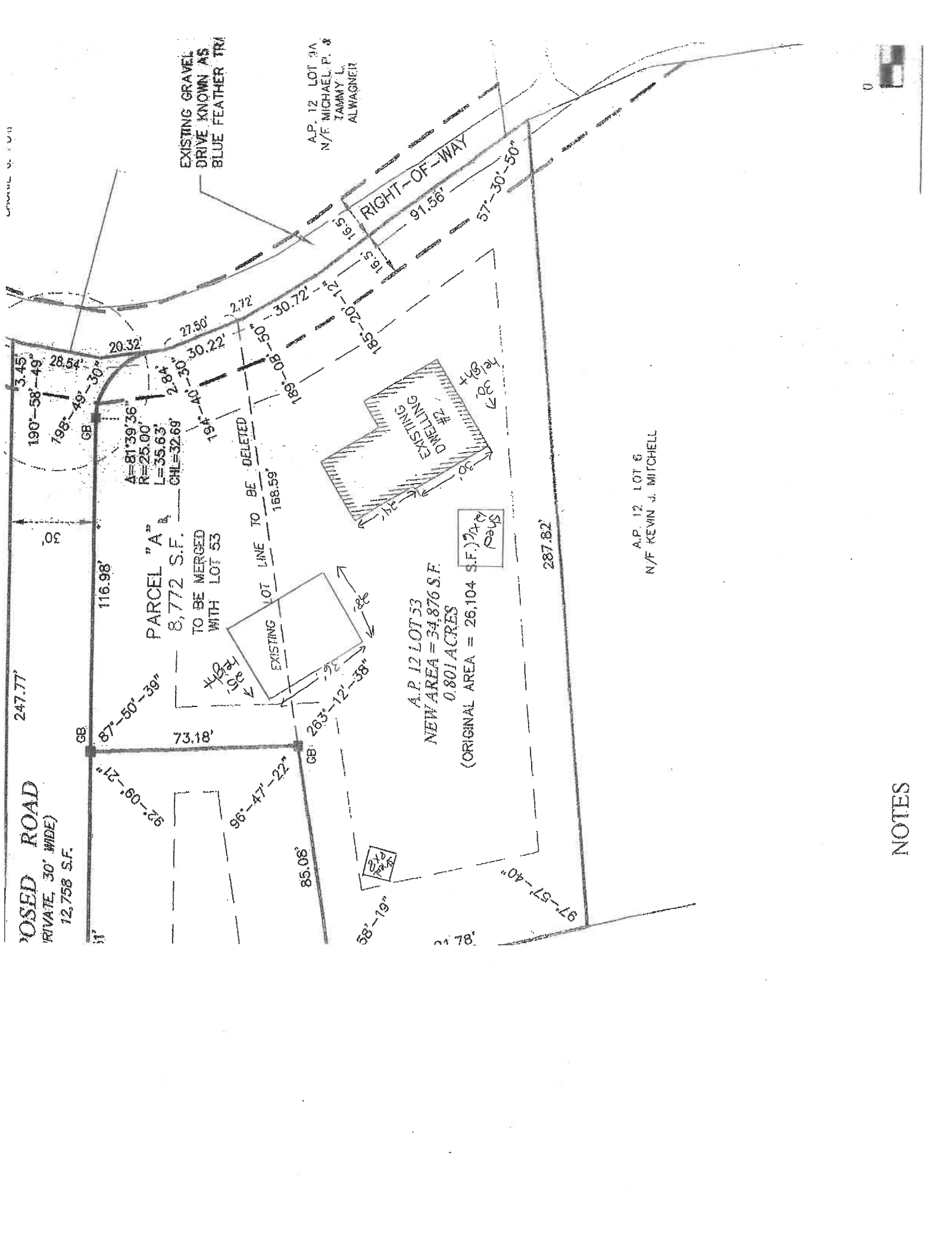
The public is welcome to any meeting of the Zoning Board of Review. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager's office at 401-233-1010 at least forty-eight (48) hours prior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

## Abutters Report

### Abutters

<u>REM_ACCT_NUM</u>	<u>REM_OWN_NAME</u>	<u>REM_PRCL_LOCN</u>
23-0318-20	SAID DANA AHMED	18 INDIAN RUN TRAIL
03-2645-32	COLBERT LINDSAY C ET VIR	20 INDIAN RUN TRAIL
13-2716-00	MITCHELL KEVIN J	24 INDIAN RUN TRAIL
08-1453-92	HOLL CHRISTOPHER NICHOLAS	22 INDIAN RUN TRAIL
19-3280-05	TAVIS ANTHONY M	4 BLUE FEATHER TRAIL
07-1407-95	BRENNAN MARY CAROL TRUST	44 INDIAN RUN TRAIL
12-1093-79	LAWRENCE MICHAEL P ET AL	40 INDIAN RUN TRAIL
03-1552-02	CERULLO TAMARA J	39 INDIAN RUN TRAIL
18-1261-00	WATERMAN RICHARD	21 INDIAN RUN TRAIL
06-1393-50	FOTI RONALD J ET UX	7 BLUE FEATHER TRAIL
02-0033-04	SHAW JAMES R REV TRUST	2 BLUE FEATHER TRAIL
20-1134-46	TRI MAR DEVELOPMENT LLC	0 BLUE FEATHER TRAIL





**CLOSED ROAD**  
 PRIVATE, 30' WIDE)  
 12,758 S.F.

**PARCEL "A"**  
 8,772 S.F.  
 TO BE MERGED  
 WITH LOT 53

**A.P. 12 LOT 53**  
 NEW AREA = 34,876 S.F.  
 0.801 ACRES  
 (ORIGINAL AREA = 26,104 S.F.)

EXISTING GRAVEL  
 DRIVE KNOWN AS  
 BLUE FEATHER TRI

A.P. 12 LOT 11A  
 N/F MICHAEL P. &  
 TAMMY L.  
 ALWAGNER

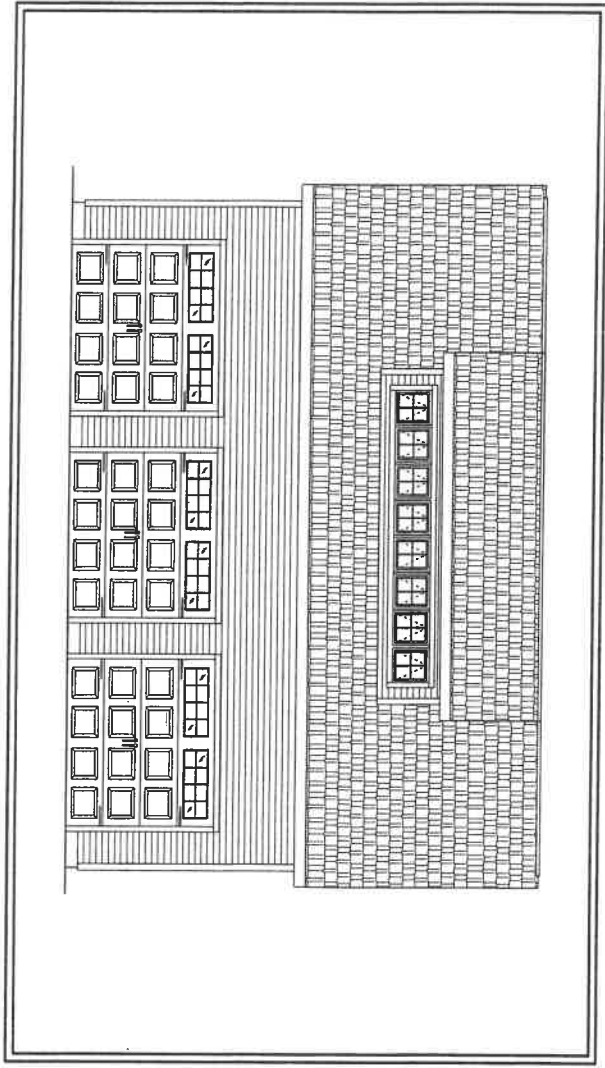
**RIGHT-OF-WAY**

A.P. 12 LOT 6  
 N/F KEVIN J. MITCHELL

NOTES

NEWPORT GARAGE FOR:  
**JAMES SHAW**

2 BLUEFEATHER TRAIL  
 SMITHFIELD, RI 02917



28' X 36' 1-1/2 STORY CUSTOM GARAGE

DESIGN DATA:	
GROUND SNOW LOAD:	35 PSF
SECOND FLOOR LIVE LOAD:	40 PSF
ULTIMATE WIND SPEED: V(UULT)	106 MPH (3-SEC. GUST)
BUILDING CODE REFERENCE:	RISBC-2 RHODE ISLAND 1 & 2 FAMILY DWELLING CODE

FABRICATED BY:



**DRAWING LIST**

COVER	TITLE SHEET & DESIGN DATA
SHEET 1	FRONT & LEFT ELEVATIONS
SHEET 2	RIGHT & REAR ELEVATIONS
SHEET 3	FOUNDATION PLAN & DETAILS
SHEET 4	FIRST FLOOR PLAN
SHEET 5	ROOF FRAMING PLAN & NOTES
SHEET 6	BUILDING SECTION
SHEET 7	SHEAR WALL SECTION & DETAILS
SHEET 8	TRUSS INFORMATION

**THE BARN YARD**

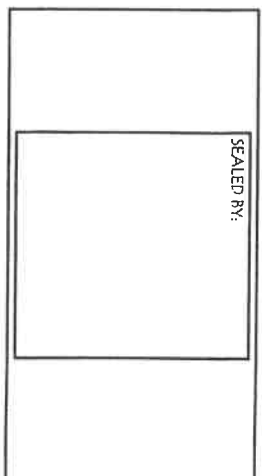
**SHOWCASE LOCATION**  
 RTE. 83 WEST ROAD  
 ELINGTON, CT 06029  
 860-936-0635

**HEADQUARTERS**  
 9 VILLAGE STREET  
 ELINGTON, CT 06029  
 860-454-9109

**SHOWCASE LOCATION**  
 RTE. 83 WEST RD.  
 833-991-1433

CT LICENSE # 55815  
 MAJLNCSE # 127550  
[www.GREYCOUNTYRIGIDROOF.COM](http://www.GREYCOUNTYRIGIDROOF.COM)

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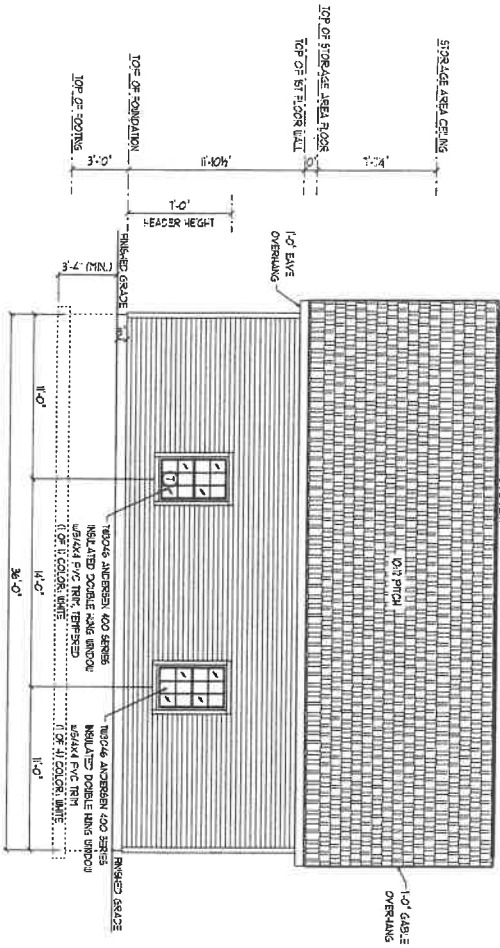


PROJECT NO. 11135      PRINT DATE: 9/9/24

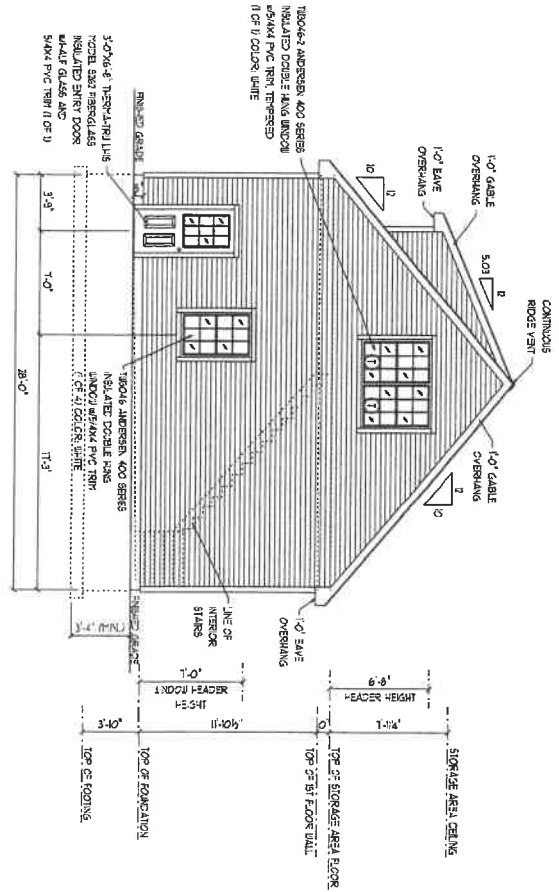




REAR ELEVATION  
SCALE UP: 1/4"



RIGHT ELEVATION  
SCALE UP: 1/4"



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SEAL BY:	
DRAWING	A-2 OF 8

JOB NO:	1135
DATE:	9/9/24
SCALE:	AS NOTED
DRAWN BY:	KRO
CHECKED BY:	KRO

RIGHT & REAR ELEVATIONS	STYLE: NEWPORT
-------------------------	-------------------

FABRICATED BY:

**The BARN YARD**

**THE BARN YARD**

SHOWCASE LOCATION  
RTE. 63 WEST ROAD  
P.O. BOX 100  
880-995-0038

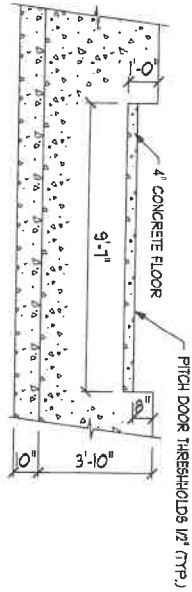
HEADQUARTERS  
3 VILLAGE STREET  
MILINGTON, CT 06029  
860-454-9103

RTE. 6 BETHEL, CT  
253-716-7433

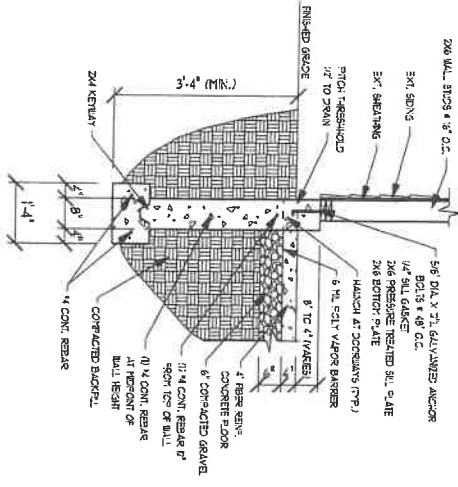
CT LICENSE # 58018  
VAUCEN # 171640

www.OPENTCOASTRIGGARAGES.com

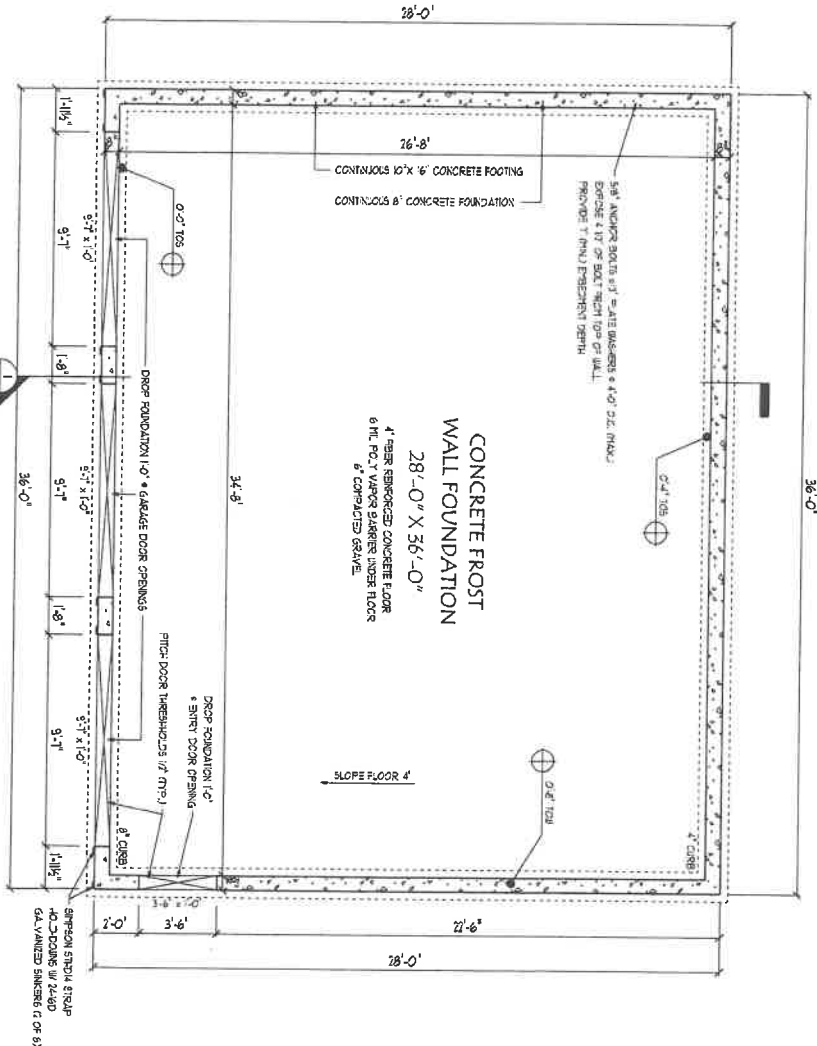
NEWPORT GARAGE FOR:  
JAMES SHAW  
2 BLUEFEATHER TRAIL  
SMITHFIELD, RI 02911



**FOUNDATION DETAIL @ OH DOOR**  
SCALE: 1/4" = 1'-0"



**FOUNDATION SECTION DETAIL**  
SCALE: 3/8" = 1'-0"



**FOUNDATION PLAN**  
SCALE: 3/8" = 1'-0"

SEALED BY: \_\_\_\_\_

**FOUNDATION PLAN**  
STYLE: NEWPORT

NEWPORT GARAGE FOR:  
JAMES SHAW  
2 BLUEFEATHER TRAIL  
SMITHFIELD, RI 02911

FABRICATED BY:  
**The BARN YARD**  
P.O. BOX 100 WEST ROAD  
ELIANTON, CT 06024  
860-560-0613

HEADQUARTERS  
9 WILAGE STREET  
ELIANTON, CT 06024  
860-464-8100

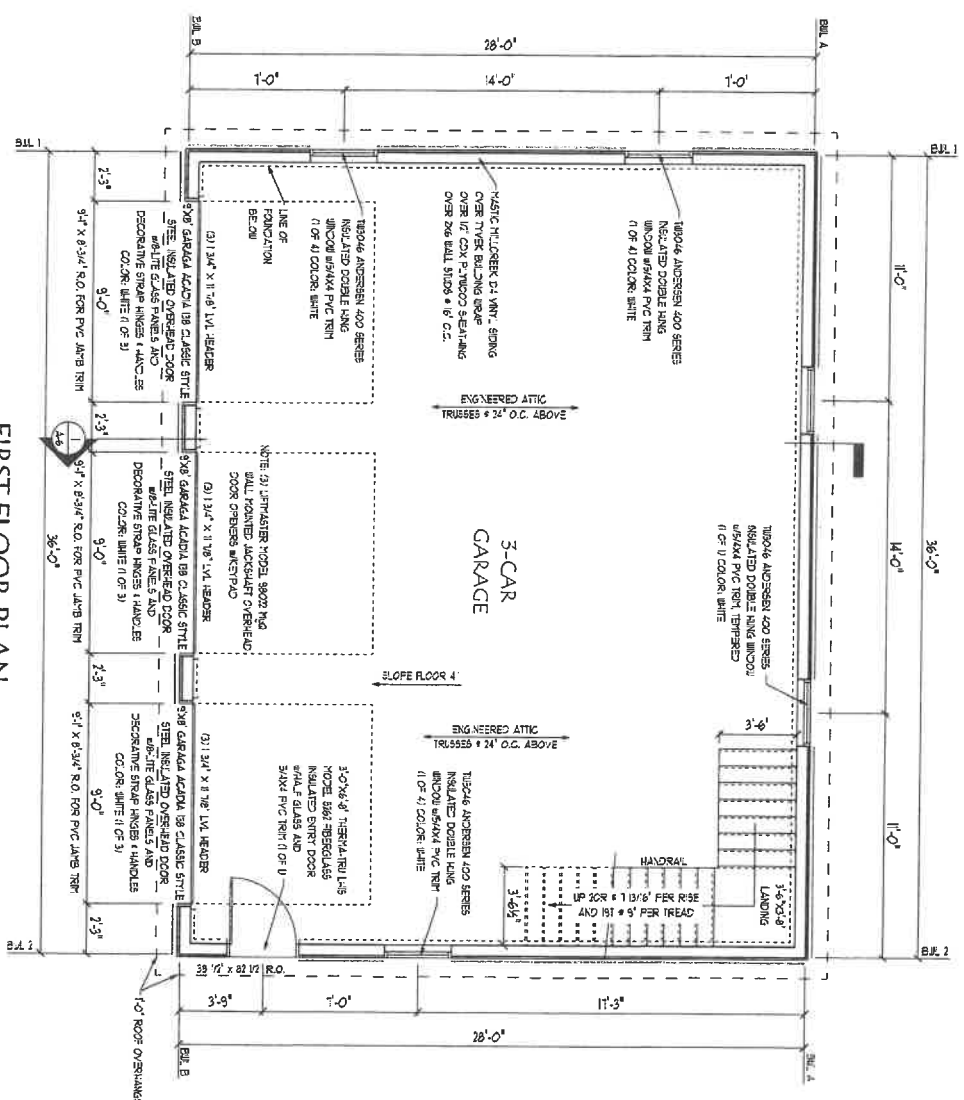
CT LICENSE # 556616  
VAUDESSE # 127550

www.GREAT100.ARTFCYCARAGES.com

JOB NO.: 11195  
DATE: 9/9/24  
SCALE: AS NOTED  
DRAWN BY: KRO  
CHECKED BY: JRO

DRAWING #  
A-3 OF 8

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**FIRST FLOOR PLAN**

SCALE: 3/16" = 1'-0"

SEE ARCHITECTURAL SCHEDULE FOR MATERIALS AND FINISHES.

SEE ARCHITECTURAL SCHEDULE FOR MATERIALS AND FINISHES.

SEALED BY:

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DRAWING A-4 OF 8	CHECKED BY: JRO	SCALE: AS NOTED	DRAWN BY: KRO	DATE: 9/9/24	JOB NO: 1105	FIRST FLOOR PLAN	FABRICATED BY:	<b>THE BARN YARD</b> SHOWCASE LOCATIONS: RTE. #314 WEST ROAD FELLINGTON, CT 06029 860-868-0200 RTE. #6 BETHEL, CT 207-460-7430 www.opentccnrygarages.com
		NEWPORT GARAGE FOR:					HEADQUARTERS 3 VILLAGE STREET FELLINGTON, CT 06029 860-868-0200 CT LOCATIONS: 868011 VALKENBURG 1211-3	
						STYLE: NEWPORT	JAMES SHAW 2 BLUEFEATHER TRAIL SMITHFIELD, RI 02911	

**GENERAL NOTES:**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS INDICATED OTHERWISE.

2. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

3. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

4. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

5. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

6. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

7. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

8. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

9. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

10. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

11. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

12. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

13. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

14. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

15. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

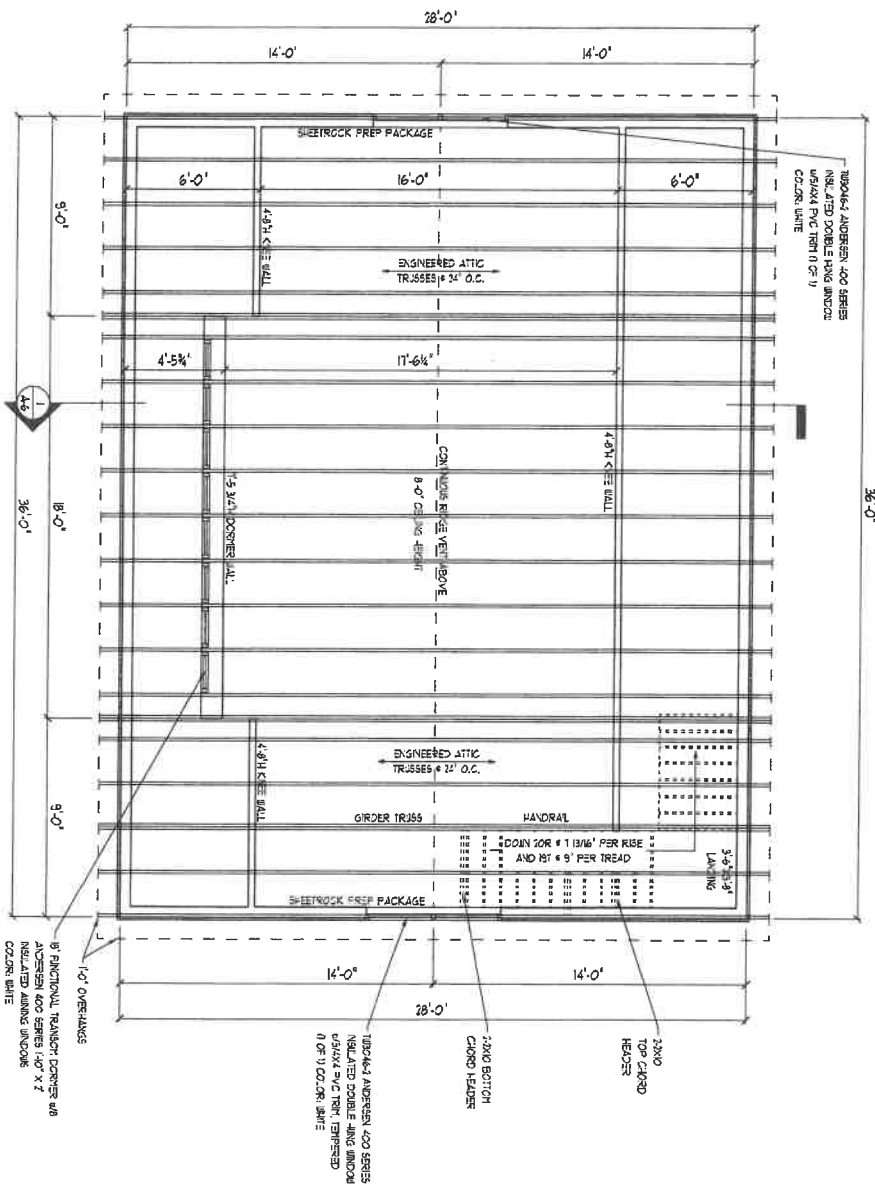
16. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

17. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

18. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

19. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

20. ALL MATERIALS TO BE USED SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

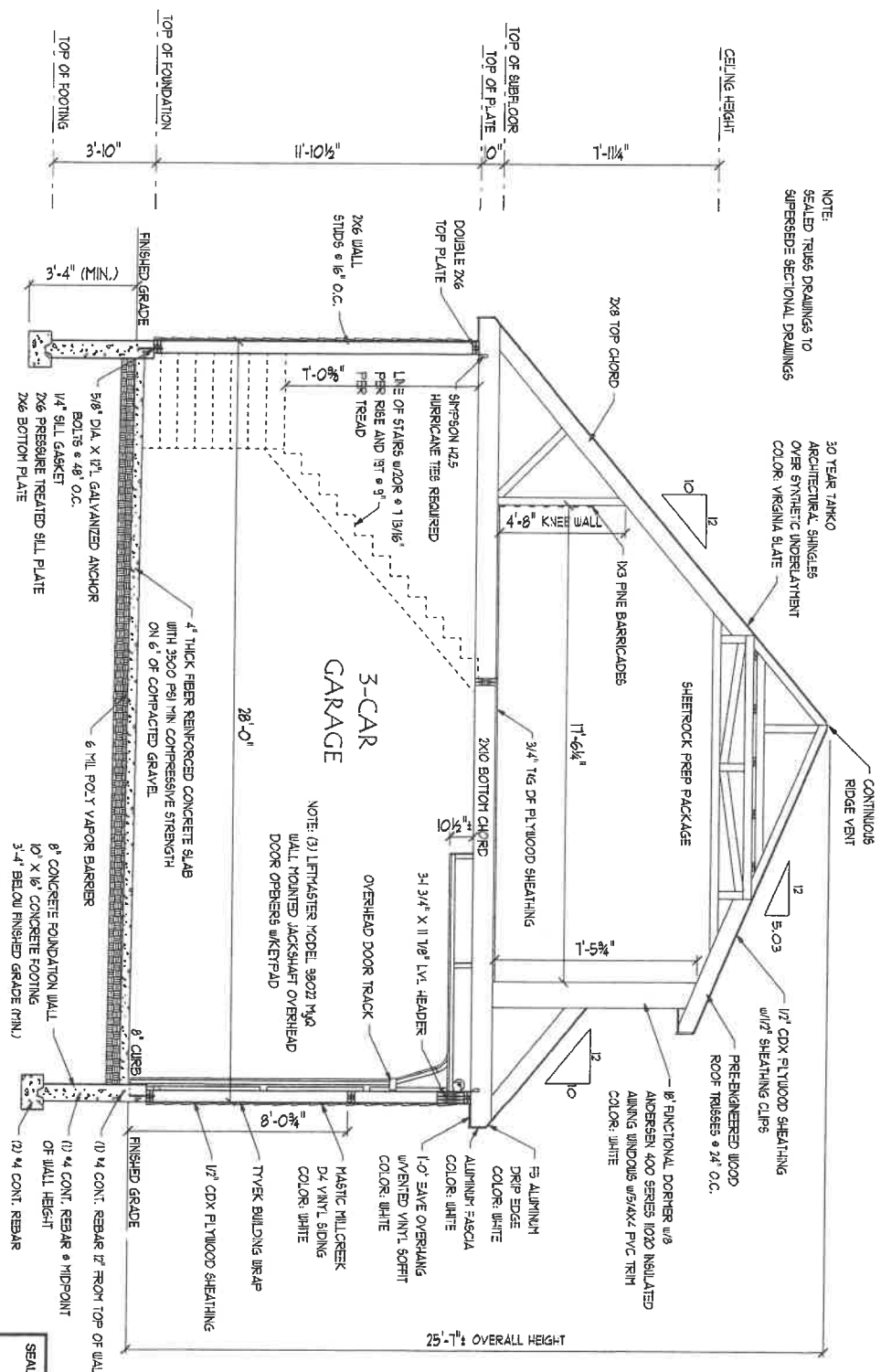


**ROOF FRAMING PLAN**  
SCALE: 3/8" = 1'-0"

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DRAWING # A-5 OF 3	CHECKED BY: JRO	SCALE: AS NOTED	DATE: 9/9/24	JOB NO.: 1125	ROOF FRAMING PLAN & NOTES		NEUPORT GARAGE FOR:  JAMES SHAW 2 BLUEFEATHER TRAIL SMITHFIELD, RI 02911	FABRICATED BY:  <b>The BARN YARD</b>	<b>THE BARN YARD</b> HEADQUARTERS 10 WILSON STREET ELLENSTON, CT 06029 860-866-0015 RTE. 6 DETAIL, CT 203-710-7474 www.GREATCOASTRYGWARAGES.com
					STYLE: NEUPORT	DRAWN BY: KNO DRAWN BY: JRO			

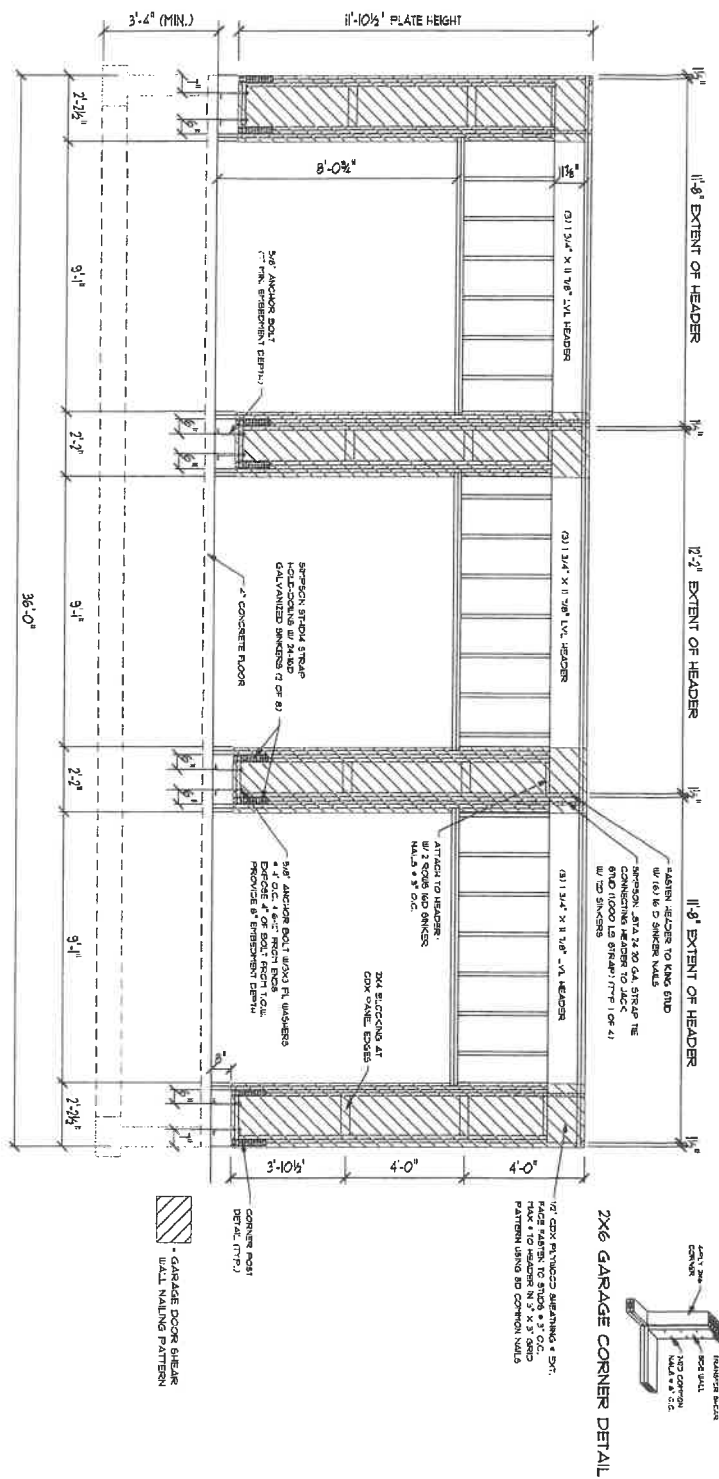


**1 BUILDING SECTION**  
SCALE: 1/4" = 1'-0"

SEALED BY:

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DRAWING # A-6 OF 8	SCALE: AS NOTED	CHECKED BY: JRO	JOB NO.: 1135	DATE: 9/9/24	DRAWN BY: KRO	BUILT BY: JRO	FABRICATED BY: <b>THE BARN YARD</b>	SHOWHOUSE LOCATIONS RTE. 43 WEST ROAD FLYING ROCK, CT 06029 860-549-1135	HEADQUARTERS 3 VILLAGE STREET BURLINGTON, CT 06029 860-549-1135
	BUILDING SECTION								



# SHEAR WALL SECTION

SCALE: 1/4" = 1'-0"

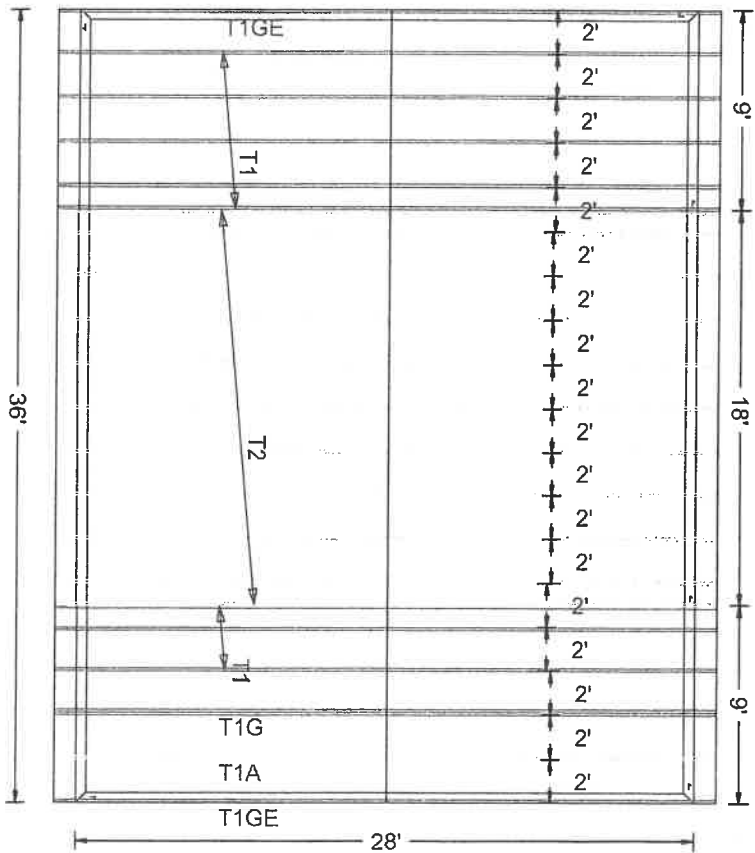
## SHEAR WALL SCHEDULE & NOTES

LOCATION	NAIL	PERIMETER NAIL	INTERIOR NAIL	SHEATHING	SHEATHING ORIENTATION
WALL SHEATHING	BD COMMON	6" O.C. (MAX)	1/2" O.C. (MAX)	1/2" APA RATED PLYWOOD SHEATHING (SINGLE SIDE)	VERTICAL
WALL SHEATHING @ GARAGE DOOR SHEAR WALL	BD COMMON	3" O.C. (MAX)	3"X3" GRID (MAX)	1/2" APA RATED PLYWOOD SHEATHING (SINGLE SIDE)	HORIZONTAL

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DRAWING A-1 OF 8	CHECKED BY: RJO	DRAWN BY: KRO	SCALE: AS NOTED	DATE: 9/9/24	JOB NO.: 11935	SHEAR WALL SECTION & DETAILS		FABRICATED BY: <b>The BARN YARD</b>	<b>THE BARN YARD</b> 1070 W. 10TH STREET WASHINGTON, CT 06093 860-596-9428 RTE. 1 BETHEL, CT 205-710-7103 www.GREATGARAGES.com
						NEWPORT GARAGE FOR:	JAMES SHAW 2 BLUEFEATHER TRAIL SMITHFIELD, RI 02911		



TRUSSES SPEC'D &  
ENGINEERED BY  
TRUSS MANUFACTURER

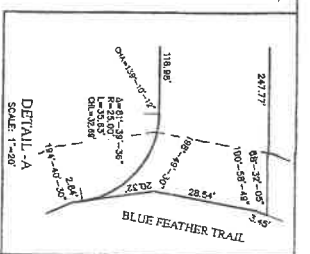
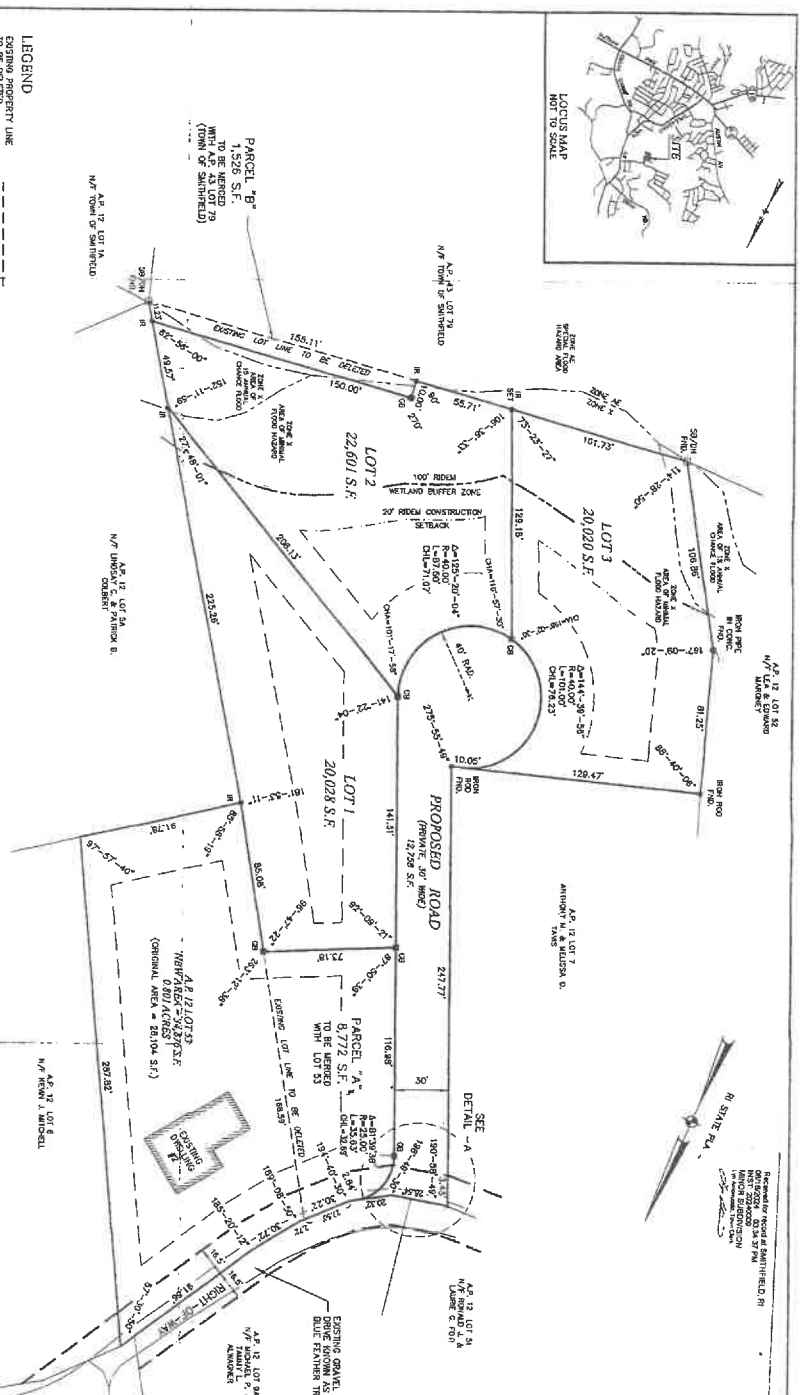
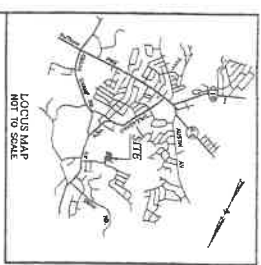
**TRUSS INFORMATION**

NOT TO SCALE

SEALED BY:

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DRAWING # A-8 OF 8	CHECKED BY: JRO	DRAWN BY: KRO	SCALE: AS NOTED	DATE: 9/9/24	JOB NO: 1125	TRUSS INFORMATION		FABRICATED BY: <b>The BARN YARD</b>	<b>THE BARN YARD</b> SHOWCASE LOCATIONS RTE. 4110 WEST ROAD ELLINGTON, CT 06033 860-596-8633 RTE. 4 METHEN, CT 203-740-7433 www.GREATCT.NETRYGARAGES.com
						NEWPORT GARAGE FOR: JAMES SHAW 2 BLUEFEATHER TRAIL SMITHFIELD, RI 02911	STYLE: NEWPORT		



- LEGEND**
- PROPERTY LINE
  - LIMIT OF BLUE FEATHER TRAIL RIGHT-OF-WAY
  - ZONING SETBACK
  - 100' BUFFER WETLAND BUFFER ZONE LIMIT
  - 20' ROCK PILEARY SETBACK
  - APPROXIMATE LIMIT OF FEMA FLOOD ZONES

APPROVED BY  
PLANNING BOARD  
TOWN OF SMITHFIELD

*David J. Shaw*  
Chairman

- REFERENCE:**
- 1) PLAN ENTITLED, "FINAL - MAJOR SUBDIVISION FOR TRI MAR DEVELOPMENT, LLC ON BLUE FEATHER TRAIL, RIGHT-OF-WAY" PREPARED BY HENRIETTA TOWN ENGINEER, JOHN J. COPELAND, INC., LICENSED PROFESSIONAL ENGINEER, NO. 2009027 IN THE STATE OF RHODE ISLAND, ON THE TOWN OF SMITHFIELD, RI.
  - 2) SEE PLAN ENTITLED, "CONVEY OF LAND IN SMITHFIELD, RI, PREPARED BY TRI MAR DEVELOPMENT, LLC ON BLUE FEATHER TRAIL, RIGHT-OF-WAY" AND APPROPRIATE RECORDS OF THE TOWN OF SMITHFIELD, RI.
  - 3) SEE PLAN ENTITLED, "PROPERTY IN SMITHFIELD, RI, OWNED BY Earl R. Moran", DATED JUNE 1941.

**CERTIFICATION**

I, THE ENGINEER, AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 450-100-1, 116 OF THE R.I. LAND USE REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF PROFESSIONAL LAND SURVEYORS ON NOVEMBER 23, 2013.

**TYPE OF BOUNDARY SURVEY:** LIMITED CONTROL BOUNDARY SURVEY

**MEASUREMENT TECHNIQUE:** CLASS 1

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

**MAJOR SUBDIVISION**

*Patrick A. Hill*  
PATRICK A. HILL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 1798  
DATE: 12/24/23

**NOTES**

- 1) OWNER/APPLICANT: A.P. 12 LOT 54 TRI MAR DEVELOPMENT LLC, 2 BLUE FEATHER TRAIL, SMITHFIELD, RI 02897
- 2) THE SUBJECT PARCELS ARE WITHIN THE B-20 COMB. DISTRICT.
- 3) PARCEL DATA:  
A.P. 12 LOT 54  
TOTAL AREA = 253 ACRES  
LENGTH OF NEW ROAD = 320 L.F.
- 4) THERE ARE NO ADJACENT SHAW INTERESTS TO BE DELETED.
- 5) THE SUBJECT PARCELS ARE WITHIN THE B-20 COMB. DISTRICT.
- 6) THE SITE USES PARTIALLY WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 4407000188A. THE SPECIAL FLOOD ZONE LINES ARE SCALED FROM THE FEMA MAP. THEY ARE NOT THE RESULT OF AN ELEVATION SURVEY AND ARE APPROXIMATE ONLY.
- 7) THIS PROJECT HAS APPROVED WATERS FOR WIDTH OF ROAD RIGHT-OF-WAY AND VERTICAL CONTROL NETWORKS OF SMITHFIELD'S MUNICIPALITY.
- 8) THERE IS NO LAND PROPOSED TO BE DELETED AS OPEN SPACE.
- 9) THIS PROJECT HAS APPROVED WATERS FOR WIDTH OF ROAD RIGHT-OF-WAY AND VERTICAL CONTROL NETWORKS OF SMITHFIELD'S MUNICIPALITY.

NO.	REVISION	DATE	BY

STREET INDEX:  
BLUE FEATHER TRAIL  
INDIAN RUN TRAIL  
(PUBIC)

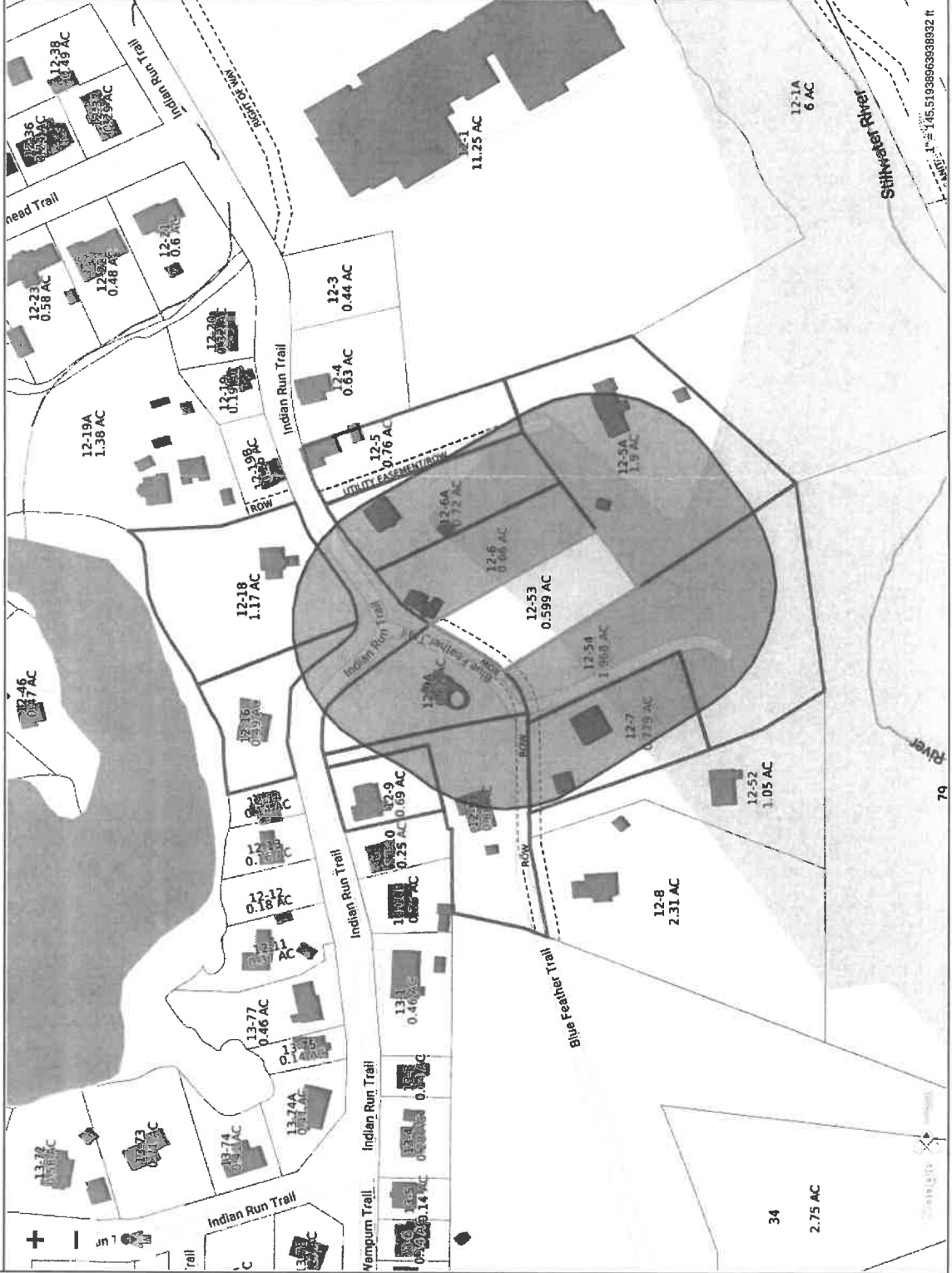
**FINAL - MAJOR SUBDIVISION  
LOT LAYOUT - RECORD PLAN**

TRI MAR DEVELOPMENT LLC, A.P. 12 LOT 54  
JAMES & DEBRA SHAW, A.P. 12 LOT 53  
BLUE FEATHER TRAIL  
SMITHFIELD, RI

**KELLY LAND SERVICES, INC.**  
1601 HIGHLAND AVENUE  
SMITHFIELD, RI 02897  
TEL: 401-232-2200  
FAX: 401-232-2200

DATE: 11/14/23  
SCALE: 1"=40'  
SHEET NO. 1 OF 1  
PROJ. NO. 23060-241





Property Information  
 Property ID 185790  
 Location 2 BLUE FEATHER TRAIL  
 Owner SHAW JAMES R REV TRUST



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

Town of Smithfield, RI makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/10/2024  
 Data updated 4/10/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Scale: 1" = 145.5193863938832 ft

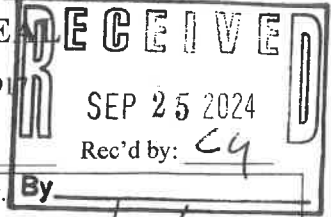




Application to Smithfield RI Zoning Board of Review for SPECIAL USE, VARIANCE OR APPEAL

TOWN HALL, 64 FARNUM PIKE, ESMOND, RI 02917

File #



FILING FEES Application fee plus total postage cost for abutters' mailing.

Amt. Paid: \$ 580.83

Amt. Due \$

Date Fee Paid:

10/24/23

NOTE: Application and documentation shall be accepted only in duplicate PDF format

This APPLICATION must be completed in full prior to being considered by the Zoning Board of Review. Refer to Page Four of this APPLICATION for additional information and materials required for submission with the APPLICATION.

The UNDERSIGNED hereby applies to the Smithfield Zoning Board of Review for the following:

I HEREBY SUBMIT THE FOLLOWING INFORMATION IN SUPPORT OF THIS REQUEST FOR CONSIDERATION AND PUBLIC HEARING;

- 1. SPECIAL USE, as provided in Section 5.0 of the ZONING ORDINANCE.
2. VARIANCE from the application of a requirement(s) of the ZONING ORDINANCE.
3. APPEAL of Building Official, Planning Board Decision, or Zoning enforcement agency.
4. EXTENSION APPLICATION for recorded decision. Year 1 Year 2 Year 3

APPLICANT: NAMAMAF, LLC

ADDRESS: 275 George Washington HWY

PHONE: 401 640-7635

Smithfield RI 02917

OWNER: NAMAMAF, LLC

ADDRESS: 275 George Washington HWY

PHONE: 401 640-7635

Smithfield RI 02917

LESSEE/PURCHASER: Stanley Tree Service, Inc existing/proposed

ADDRESS: 275 George Washington HWY

PHONE: 401 640-7635

Smithfield RI 02917

1. Location of Property Street Address: 265 & 275 George Washington HWY Pole #

Assessor Plat No. 46

Assessor Lot No. 75A & 75C

2. Size of Lot Dimensions: Width 418 Depth: 612 Total Area: 6.37 Acres/Sq. Ft. 277,246

3. Zoning Designations Current Zoning District Classification of Property: PC-Single Site / EG0D

4. Ownership Tenure

DATE of PURCHASE of the above stated property by the CURRENT OWNER: 275-9/26/17, 265-7/17/18

Will Ownership of said property be transferred by the CURRENT OWNER TO the APPLICANT for developmental purposes? Yes No Does Not Apply

5. Developmental Status and Proposal

A. Existing Developmental State

Are there any buildings on the property at present: Yes No

If YES, how many buildings? 3

IDENTIFY the Size and Use of each building \*\*:

Table with 4 columns: Building Type, Height, Area (Sq. Ft.), Use. Rows include Wood Frame (2300 sq ft, Office), steel (10,522 sq ft, Office / Garrage), and Steel (5,200 sq ft, Storage/shop).

\*\*NOTE: Use additional sheet(s) of paper, if necessary.

B. Proposed Development

Have plans for proposed construction activities for building structure(s) been submitted to the Office of the Smithfield Building Official? Yes No Does Not Apply

If YES, has a Building Permit been refused? Yes No

6. SPECIAL 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. LIST precise ARTICLE(s) and SECTION(s) of the ZONING ORDINANCE which authorize consideration of the SPECIAL USE PERMIT described in above.

\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. VARIANCE (Complete this Section only if Box No. 2 of the Introduction is checked).

A. IDENTIFY proposed activity, action, or use for which VARIANCE from the terms of the ZONING ORDINANCE is requested.  
Building Addition - dimensional side setback variance

Accessory Storage/Garage  
\_\_\_\_\_  
\_\_\_\_\_

B. LIST precise ARTICLE(s) and SECTION(s) of the ZONING ORDINANCE from which VARIANCE is requested. BRIEFLY DESCRIBE applicable regulation of standard and the variance that is requested.

~~Article 5 section 5.9.4~~ side yard setback required distance 40' **ARTICAL 9, 4.11, TABLE 4**

- New Garage	33.8' relief = 6.2'
- Primary Building Addition	13.4 relief = 26.6'

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 current lot is developed and used by the owners business. The relief required is due to the property's existing configuration including the locations of existing structures. Granting this request will not alter general characteristic of the surrounding area.  
The relief sought is the least necessary to address the needs and conditions of the site.

8. NATURE OF APPEAL (Complete this Section only if Box #3 of the Introduction is checked).

A. Appeal of Building Official (Attach copy of any denial, notification or correspondence relating to appeal).

1. Date of denial/issuance of permit or date of alleged error in enforcement of ordinance: \_\_\_\_\_, 20\_\_\_\_\_

2. Basis for Appeal (Cite applicable provisions of ordinance.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Appeal to the Smithfield Platting Board of Review from an action of the Smithfield Planning Board. (NOTE: attach copies of all correspondence, plans and the written decision pertaining to the appeal.)

Basis for Appeal (Cite applicable ordinance provisions and any other date in support of appeal.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Appeal to Zoning Enforcement Agency decision. (NOTE: attach copies of all correspondence, plans, and written decision pertaining to the appeal.)

Basis for Appeal (Cite applicable ordinance provisions and any other date in support of appeal.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/We, the UNDERSIGNED, swear that all information provided in this APPLICATION is to the best of MY/OUR knowledge complete and correct in every detail.

RESPECTFULLY SUBMITTED,

NAMAMAF, LLC

Owner's Name Printed

[Signature]  
Owner's Signature

NAMAMAF, LLC

Applicant's Name Printed

[Signature]  
Applicant's Signature

AGENT/ATTORNEY: Timothy F Kane, Esquire

ADDRESS: 627 Putnam Pike

Greenville, RI 02828

PHONE: 401-949-2228

REPRESENTING: NAMAMAF, LLC

DATE: October 25, 2024

**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.

---

**SPACE BELOW RESERVED FOR ZONING BOARD OF REVIEW USE ONLY**

Date Notices Sent to  
Respective Property Owners: \_\_\_\_\_

Date of Newspaper Notice: \_\_\_\_\_

Newspaper \_\_\_\_\_

CONTI RICHARD J  
296 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

CROSSROADS ENTERPRISES INC.  
434 ATWELLS REALTY LLC  
296 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

280 RESTURANT GROUP, LLC  
280 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

CONTI RICHARD J  
296 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

CROSSROADS ENTERPRISES INC.  
434 ATWELLS REALTY LLC  
296 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

CONTI RICHARD J  
296 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

CROSSROADS ENTERPRISES INC.  
434 ATWELLS REALTY LLC  
296 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

BUTERA NOBLE REALTY LLC  
9 MILKAY WAY  
NARRAGANSETT, RI 02882

270 GEORGE WASHINGTON LLC  
584 PARK EAST DRIVE  
WOONSOCKET, RI 02895

BUTERA NOBLE REALTY LLC  
9 MILKAY WAY  
NARRAGANSETT, RI 02882

270 GEORGE WASHINGTON LLC  
584 PARK EAST DRIVE  
WOONSOCKET, RI 02895

BUTERA NOBLE REALTY LLC  
9 MILKAY WAY  
NARRAGANSETT, RI 02882

270 GEORGE WASHINGTON LLC  
584 PARK EAST DRIVE  
WOONSOCKET, RI 02895

ROLLINGWOOD ACRES INC  
295 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

NAVIGANT CREDIT UNION  
1005 DOUGLAS PIKE  
SMITHFIELD, RI 02895

ROLLINGWOOD ACRES INC  
295 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

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280 RESTURANT GROUP, LLC  
280 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917

280 RESTURANT GROUP, LLC  
280 GEORGE WASHINGTON HWY  
SMITHFIELD, RI 02917



## Town of Smithfield Zoning Board of Review

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

*S. James Busam, Chairman*

October 23, 2024

NAMAMAF, LLC as applicant and owner of property located at 265 and 275 George Washington Highway listed as Plat 46, Lots 75A and 75C seek variances to construct an addition to the existing building and construct an accessory storage garage.

A public hearing on this application has been scheduled for Wednesday, November 6, 2024 at **6:00 PM**, at Smithfield Town Hall, 64 Farnum Pike

By Order of the Zoning Board of Review

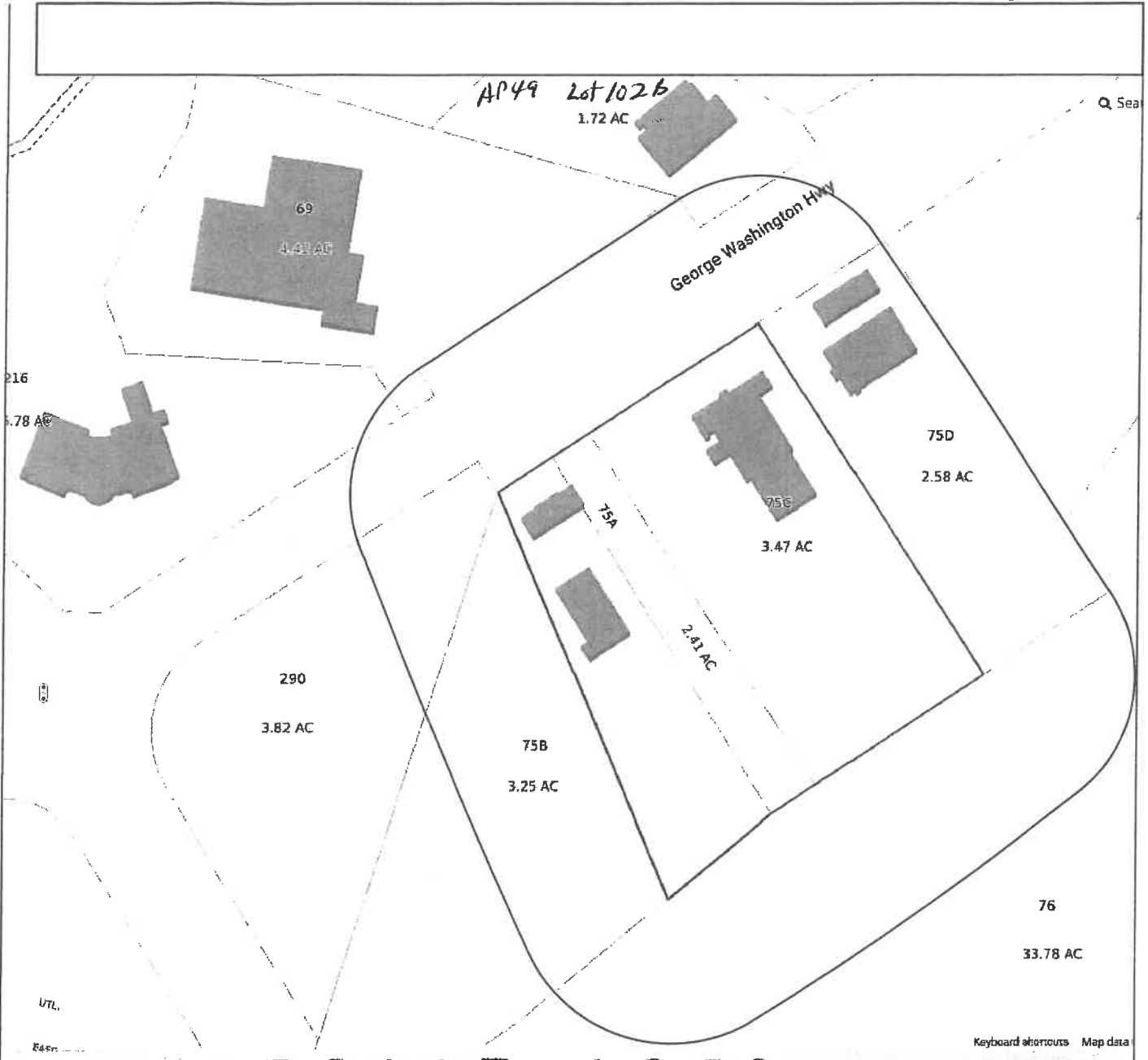
S. James Busam  
Chairman

**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.






# 200 FOOT RADIUS MAP

1" = 200 ft

Property Information	
Property ID	6010
Location	275 GEORGE WASHINGTON HWY
Owner	NAMAMAF LLC

  
**MAP FOR REFERENCE ONLY**  
**NOT A LEGAL DOCUMENT**

Town of Smithfield, RI makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/10/2024  
Data updated 4/10/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

## Abutters List

265 & 275 George Washington Hwy Smithfield  
NAMAMAF, LLC

**A.P. 46**

<b><u>Lot #</u></b>	<b><u>Owner's Name &amp; Address:</u></b>
75B	CONTI RICHARD J 296 GEORGE WASHINGTON HWY SMITHFIELD, RI 02917
75D	BUTERA NOBLE REALTY LLC 9 MILKAYWAY NARRAGANSETT, RI 02882
76	ROLLINGWOOD ACRES INC 295 GEORGE WASHINGTON HWY SMITHFIELD, RI 02917
290	CROSSROADS ENTERPRISES INC. 434 ATWELLS REALTY LLC 296 GEORGE WASHINGTON HWY SMITHFIELD, RI 02917
69	270 GEORGE WASHINGTON LLC 584 PARK EAST DRIVE WOONSOCKET, RI 02895
216	NAVIGANT CREDIT UNION 1005 DOUGLAS PIKE SMITHFIELD, RI 02895

**A.P. 49**

<b><u>Lot #</u></b>	<b><u>Owner's Name &amp; Address:</u></b>
102B	280 RESTURANT GROUP, LLC 280 GEORGE WASHINGTON HWY SMITHFIELD, RI 02917

**Stanley Tree Service, Inc**  
**Proposed Office Addition**  
**275 George Washington Highway**  
**Smithfield, RI 02917**





**NATIONAL**  
DESIGN & CONSTRUCTION

**STANLEY TREE**  
DESIGN & CONSTRUCTION

GENERAL NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL WALLS SHALL BE CONCRETE UNLESS OTHERWISE NOTED.  
3. ALL WALLS SHALL BE FINISHED WITH 1/2" GYPSUM BOARD AND PAINTED.  
4. ALL WALLS SHALL BE FINISHED WITH 1/2" GYPSUM BOARD AND PAINTED.  
5. ALL WALLS SHALL BE FINISHED WITH 1/2" GYPSUM BOARD AND PAINTED.

**GENERAL NOTES**  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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4. ALL WALLS SHALL BE FINISHED WITH 1/2" GYPSUM BOARD AND PAINTED.  
5. ALL WALLS SHALL BE FINISHED WITH 1/2" GYPSUM BOARD AND PAINTED.

Color	Description
Blue	FOUNDATION
Red	FOUNDATION
Green	FOUNDATION
Yellow	FOUNDATION
Purple	FOUNDATION
Brown	FOUNDATION
Pink	FOUNDATION
Grey	FOUNDATION
White	FOUNDATION

- LEGEND**
- 1. FOUNDATION
  - 2. FOUNDATION
  - 3. FOUNDATION
  - 4. FOUNDATION
  - 5. FOUNDATION
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PER REVIEW TO BE SUBMITTED TO ARCHITECT FOR APPROVAL  
DATE: 10/15/2024

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**NATIONAL**  
COMMERCIAL CONTRACTING  
1000 W. 10TH AVENUE  
DENVER, CO 80202

**STANLEY TREE**  
270 SOUTH WASHINGTON WAY  
BETHLEHEM, PA 18017

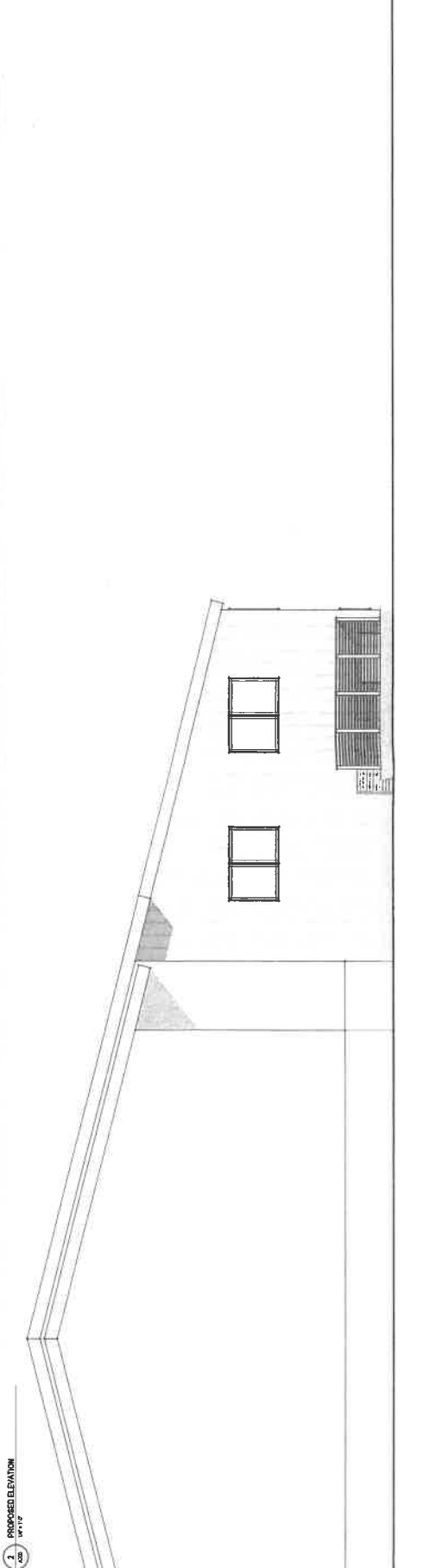
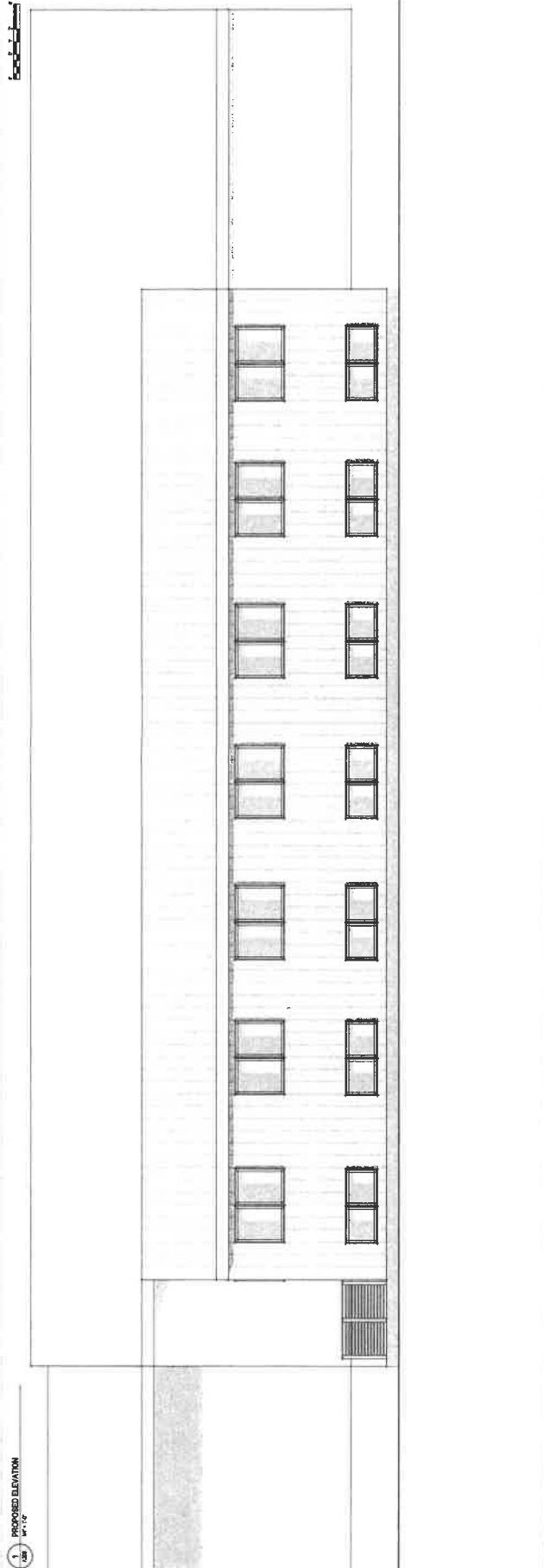
**GENERAL NOTES**  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.  
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.  
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.  
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.  
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.

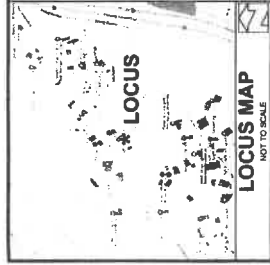
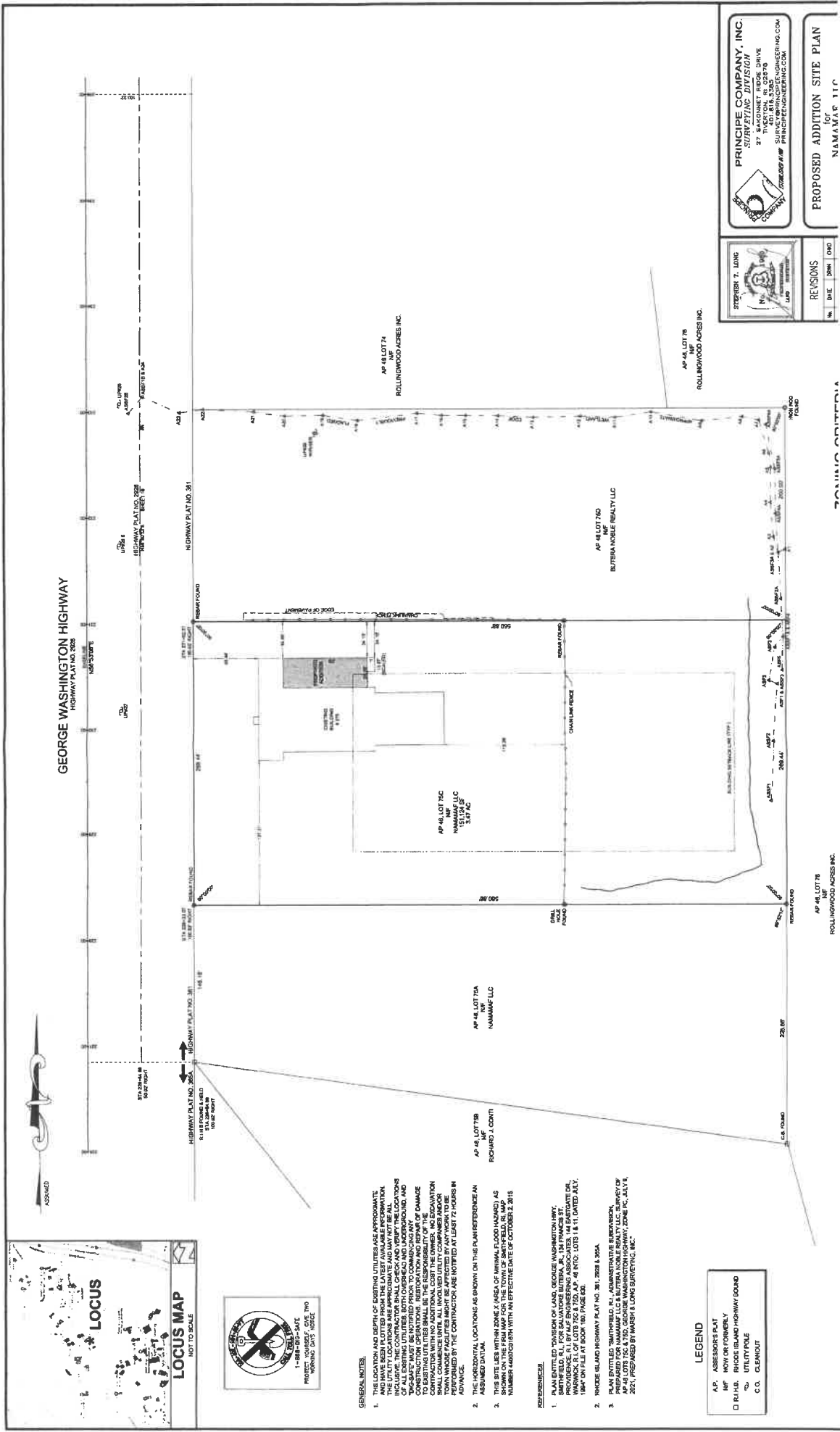
NO.	DESCRIPTION
1	FOUNDATION
2	FLOOR
3	CEILING
4	ROOF
5	WALL
6	DOOR
7	WINDOW
8	MECHANICAL
9	ELECTRICAL
10	PLUMBING
11	PAINT
12	FINISH

- LEGEND**
- 100 FINISHED EXTERIOR
  - 101 FINISHED INTERIOR
  - 102 BRICK EXTERIOR
  - 103 BRICK INTERIOR
  - 104 BLOCK EXTERIOR
  - 105 BLOCK INTERIOR
  - 106 INSULATED CONCRETE WALL
  - 107 CONCRETE WALL
  - 108 GYPSUM BOARD
  - 109 EXTERIOR FINISH
  - 110 EXTERIOR DOOR
  - 111 EXTERIOR WINDOW
  - 112 ROOF FINISH
  - 113 ROOF INSULATION
  - 114 ROOF STRUCTURE
  - 115 ROOF FLASHING
  - 116 ROOF VENT
  - 117 ROOF DRAIN
  - 118 ROOF GUTTER
  - 119 ROOF EAVES
  - 120 ROOF TRUSS
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  - 198 ROOF RAFTER
  - 199 ROOF JOIST
  - 200 ROOF SHEATHING

**REVISIONS**

NO.	DESCRIPTION
1	ISSUED FOR PERMITS
2	REVISED PER LOCAL AUTHORITY COMMENTS
3	REVISED PER ARCHITECT COMMENTS
4	REVISED PER OWNER COMMENTS
5	REVISED PER LOCAL AUTHORITY COMMENTS
6	REVISED PER ARCHITECT COMMENTS
7	REVISED PER OWNER COMMENTS
8	REVISED PER LOCAL AUTHORITY COMMENTS
9	REVISED PER ARCHITECT COMMENTS
10	REVISED PER OWNER COMMENTS





**GENERAL NOTES:**

1. THE LOCATION AND DEPTH OF EXISTING UTILITIES ARE APPROXIMATE. THE UTILITY LOCATIONS ARE APPROXIMATE AND MAY NOT BE ALL. THE UTILITY LOCATIONS SHOWN ON THIS PLAN ARE BASED ON RECORD PLANS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. ANY CHANGES TO EXISTING UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR WITH NO ADDITIONAL COST TO THE OWNER. NO EXCAVATION SHALL BE PERMITTED WITHIN THE UTILITY LOCATIONS UNLESS THE CONTRACTOR HAS BEEN NOTIFIED BY THE TOWN WHOSE FACILITIES MIGHT BE AFFECTED BY ANY WORK TO BE PERFORMED. THE CONTRACTOR SHALL BE NOTIFIED AT LEAST 72 HOURS IN ADVANCE.
2. THE HORIZONTAL LOCATIONS AS SHOWN ON THIS PLAN REFER TO AN ASSUMED DATUM.
3. THIS SITE LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON THE FIRM MAP FOR THE TOWN OF SMITHFIELD, RI. MAP NUMBER 4800000000 WITH AN EFFECTIVE DATE OF OCTOBER 2, 2011.

**REFERENCES:**

1. PLAN ENTITLED "DIVISION OF LAND, GEORGE WASHINGTON HWY., SMITHFIELD, RI, FOR SALVATORE BUTERA, JR., IN PRINCE ST. WARRICK, R.I. OF LOTS 75C & 75D, A.P. 48 LOT 75C & 75D, DATED JULY 1984" ON FILE AT BOOK 186, PAGE 62.
2. RIDGE ISLAND HIGHWAY PLAT NO. 31, 2028 & 3054.
3. PLAN ENTITLED "SMITHFIELD, RI, ADMINISTRATIVE SUBDIVISION, PREPARED FOR MAMAMF LLC BY BUTERA NOBLE REALTY LLC SURVEY OF BUTERA NOBLE REALTY LLC TRACT, ZONE X, LOT 74, 2021, PREPARED BY MARSH & LONG SURVEYING, INC."

**LEGEND**

A.P.	ASSESSOR'S PLAT
MF	MOY OR FORMERLY
RI H.B.	RIDGE ISLAND HIGHWAY BOUND
U	UTILITY PALE
C.O.	CLEANSLOT



**PRINCIPLE COMPANY, INC.**  
 SURVEYING DIVISION  
 27 SACONNET RIDGE DRIVE  
 SUITE 101  
 WARRICK, RI 02886  
 TEL: 401.874.3343  
 FAX: 401.874.3344  
 WWW.PRINCIPLEENGINEERING.COM

**REVISIONS**

NO.	DATE	BY	CHKD.	APP.

**PROPOSED ADDITION SITE PLAN**  
 for  
 NAMA MAP 111C

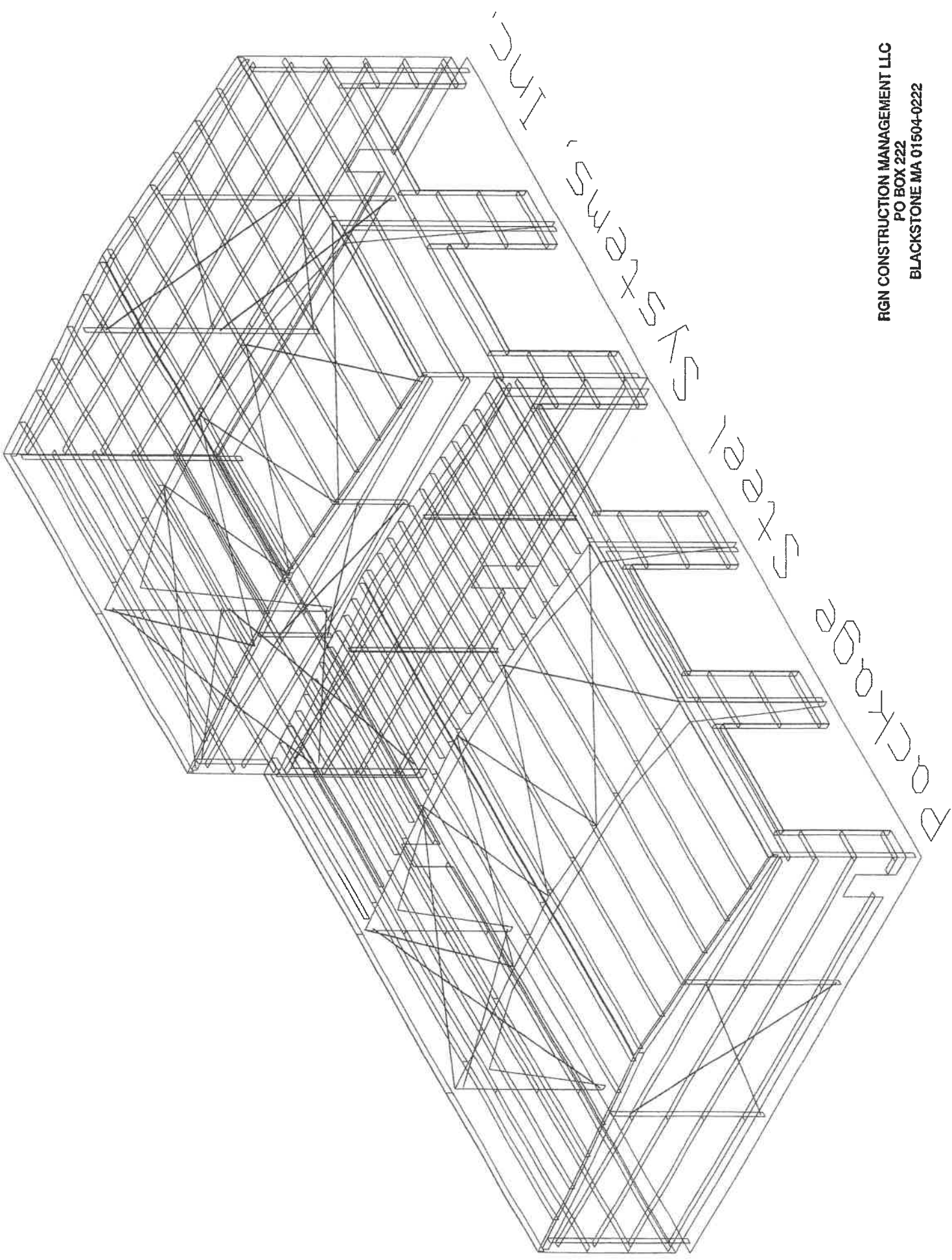
AP 48 LOT 75  
 ROLLINGWOOD ACRES INC.

AP 48 LOT 75A  
 BUTERA NOBLE REALTY LLC

AP 48 LOT 74  
 ROLLINGWOOD ACRES INC.

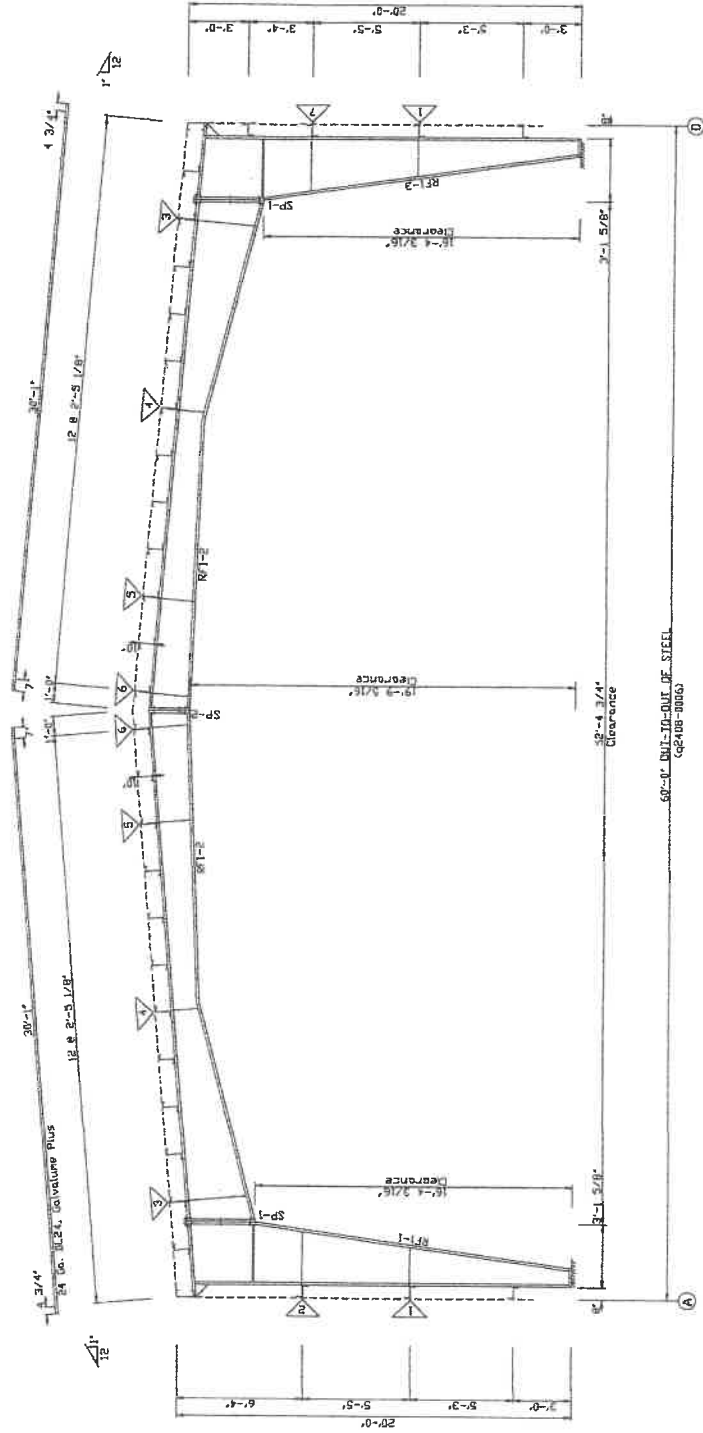


**Stanley Tree Service, Inc**  
**Proposed Garage Building**  
**265 George Washington Highway**  
**Smithfield, RI 02917**



INC  
Sextons  
Leats  
Booker

RGN CONSTRUCTION MANAGEMENT LLC  
PO BOX 222  
BLACKSTONE MA 01504-0222

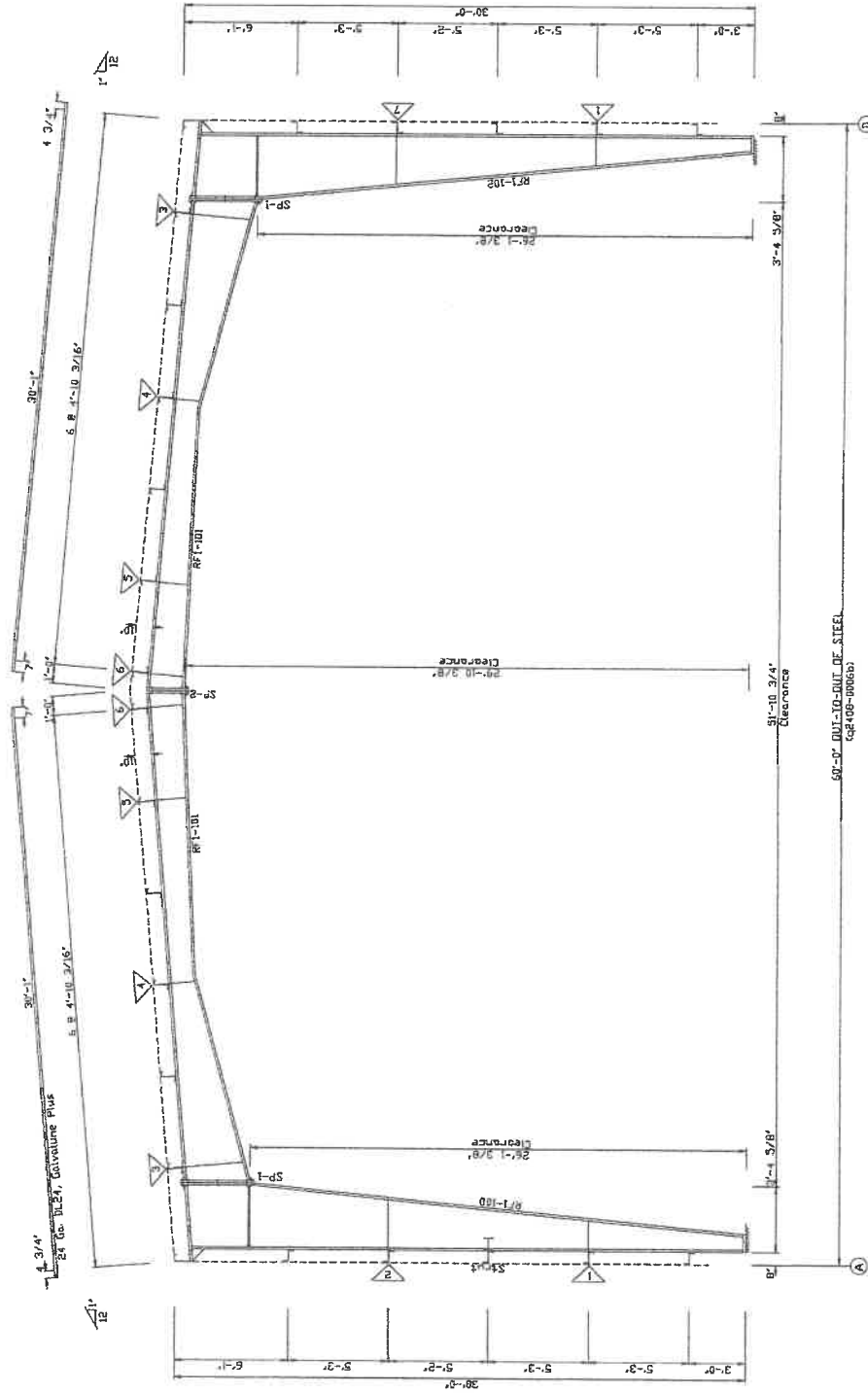


FRAME CROSS SECTION FRAME LINE 2 3

RGN CONSTRUCTION MANAGEMENT LLC  
 PO BOX 222  
 BLACKSTONE MA 01504-0222

REV.	DESCRIPTION	DATE	DRAWN	CHECKED
1	PRELIMINARY DRAWING FOR THE CONSTRUCTION / FOR PERMIT ONLY			
2	PACKAGE STEEL SYSTEMS, INC. RGN Construction			
3	PROJECT: Factory Two Service			
4	ISSUE FROM 1-SECTION			
5	DATE: 06/20/2011			
6	DATE: 07/2/2011			
7	DATE: 08/02/2011			





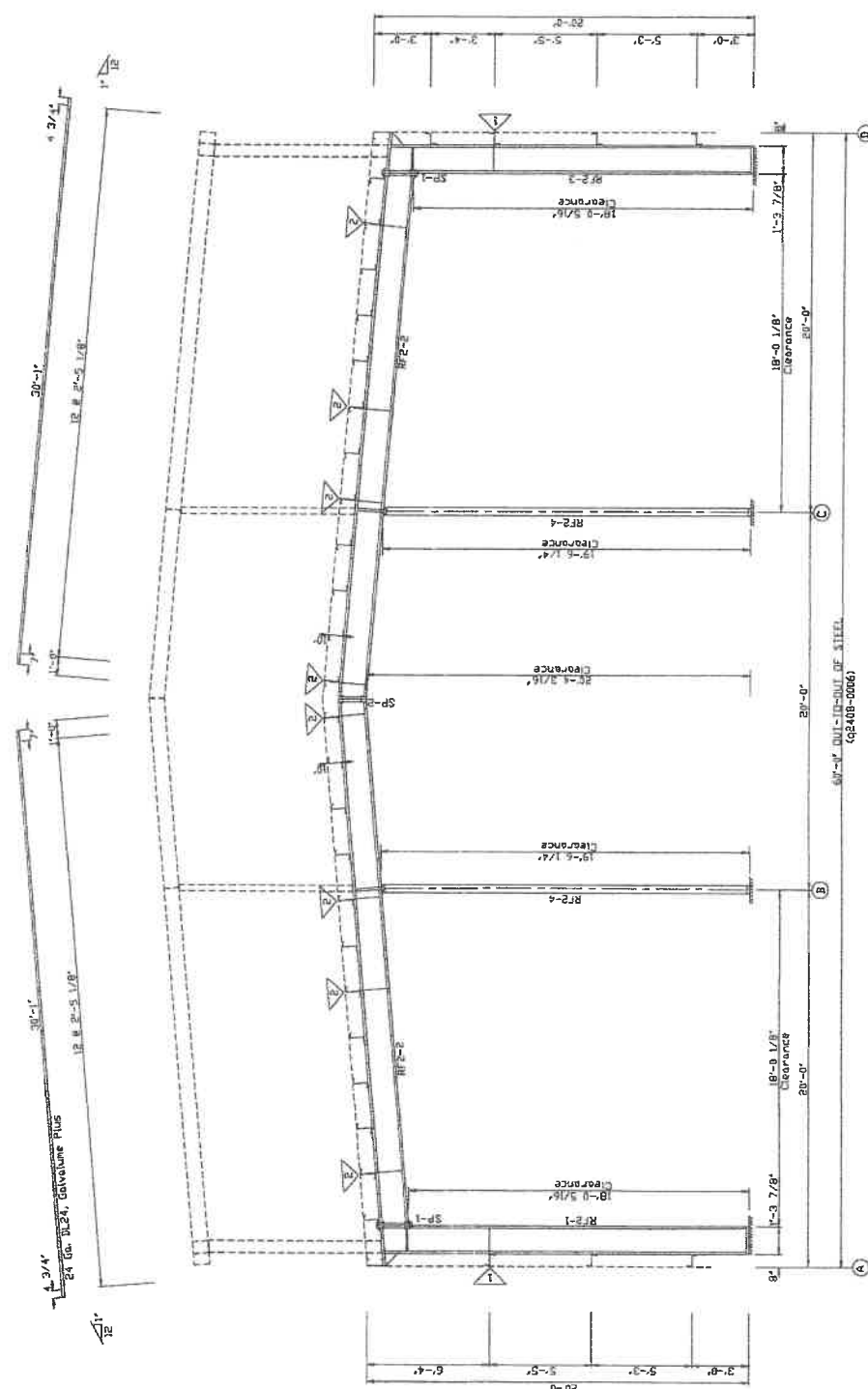
FRAME CROSS SECTION: FRAME LINE 5

CGN CONSTRUCTION MANAGEMENT LLC  
 PO BOX 222  
 BLACKSTONE MA 01504-0222

REV.	DESCRIPTION	DATE	BY	CHK.
1	ISSUE FOR PERMIT			
2	ISSUE FOR CONSTRUCTION			
3	ISSUE FOR CONSTRUCTION			
4	ISSUE FOR CONSTRUCTION			
5	ISSUE FOR CONSTRUCTION			

PREPARED BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: [Date]  
 PROJECT: [Project Name]  
 DRAWING NO.: [Drawing No.]

PROJECT: [Project Name]  
 ADDRESS: [Address]  
 DATE: [Date]  
 DRAWING NO.: [Drawing No.]



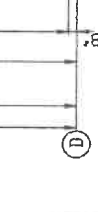
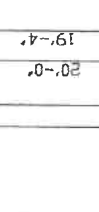
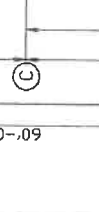
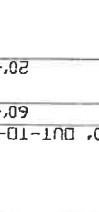
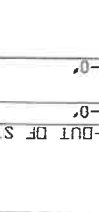
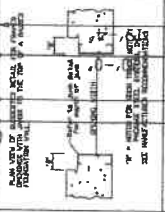
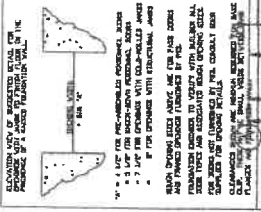
FRAME CROSS SECTION: FRAME LINE 4

**RGN CONSTRUCTION MANAGEMENT LLC**  
**PO BOX 222**  
**BLACKSTONE MA 01504-0222**

REV.	DESCRIPTION	DATE	DWGT	DRG.
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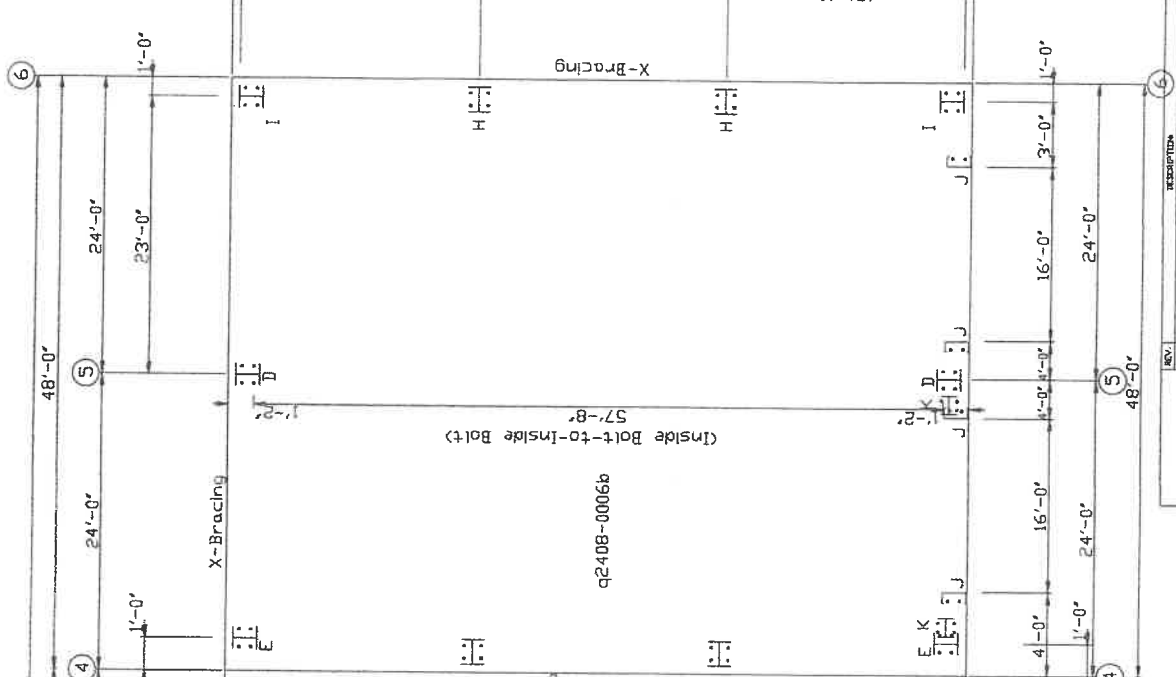
PRELIMINARY DRAWING NOT FOR CONSTRUCTION / FOR PRINT ONLY PACKAGE STEEL SYSTEMS, INC. RGN CONSTRUCTION PROJECT: STEELERY TRUCK SERVICE DESIGNER: [REDACTED] ID: [REDACTED] PRODUCT: [REDACTED] ADDRESS: [REDACTED]		SHEET NO. 4 OF 4 DRAWING PDS-1
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--------------------------------------





60'-0" DUT-ID-OUT OF STEEL

120'-0" OUT-ID-OUT OF STEEL



ANCHOR BOLT PLAN  
NOTE: All Base Plates @ 100'-0" (MIN.)

REV.	DESCRIPTION	DATE	BY	CHECK
1				
2				
3				
4				
5				
6				

APPROVALS	DATE	BY	CHECK
PROJECT MANAGER			
PROJECT ENGINEER			
PROJECT SUPERVISOR			
PROJECT ASSISTANT			
PROJECT OFFICE			
PROJECT ADDRESS			
PROJECT PHONE			
PROJECT FAX			
PROJECT E-MAIL			
PROJECT WEBSITE			
PROJECT ADDRESS			
PROJECT PHONE			
PROJECT FAX			
PROJECT E-MAIL			
PROJECT WEBSITE			

**LEGEND & SYMBOLS**

- EXISTING**
- CONTOUR
  - UTILITY POLE
  - DRAIN MANHOLE
  - TEST HOLE / SOIL EVALUATION
  - DIMENSION
  - PERIMETER EXISTING CONTROL
  - CENTERLINE
  - DRIVE
  - DRIVE END SECTION
  - NEW ASPHALT BITUMINOUS PAVEMENT (8" B)
  - PERFORATED BITUMINOUS PAVEMENT (8" B)
  - CONCRETE PAVEMENT
  - 8" PRECAST CONCRETE CURB
  - 12" PRECAST CONCRETE TENSION CURB
  - 12" BITUMINOUS SIGN MOUNTING DETAIL
  - 12" REGULATORY MARK
  - 12" TREE WALL

**Dimensional Requirements**

ZONE	MINIMUM SETBACK	MINIMUM SIDE SETBACK	MINIMUM FRONT SETBACK	MINIMUM REAR SETBACK
RESIDENTIAL SINGLE-FAMILY	30'	10'	10'	10'
RESIDENTIAL MEDIUM-DENSITY	30'	10'	10'	10'
RESIDENTIAL HIGH-DENSITY	30'	10'	10'	10'
COMMERCIAL	30'	10'	10'	10'
INDUSTRIAL	30'	10'	10'	10'

**GENERAL NOTE:** THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND DEPTH SHALL BE VERIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

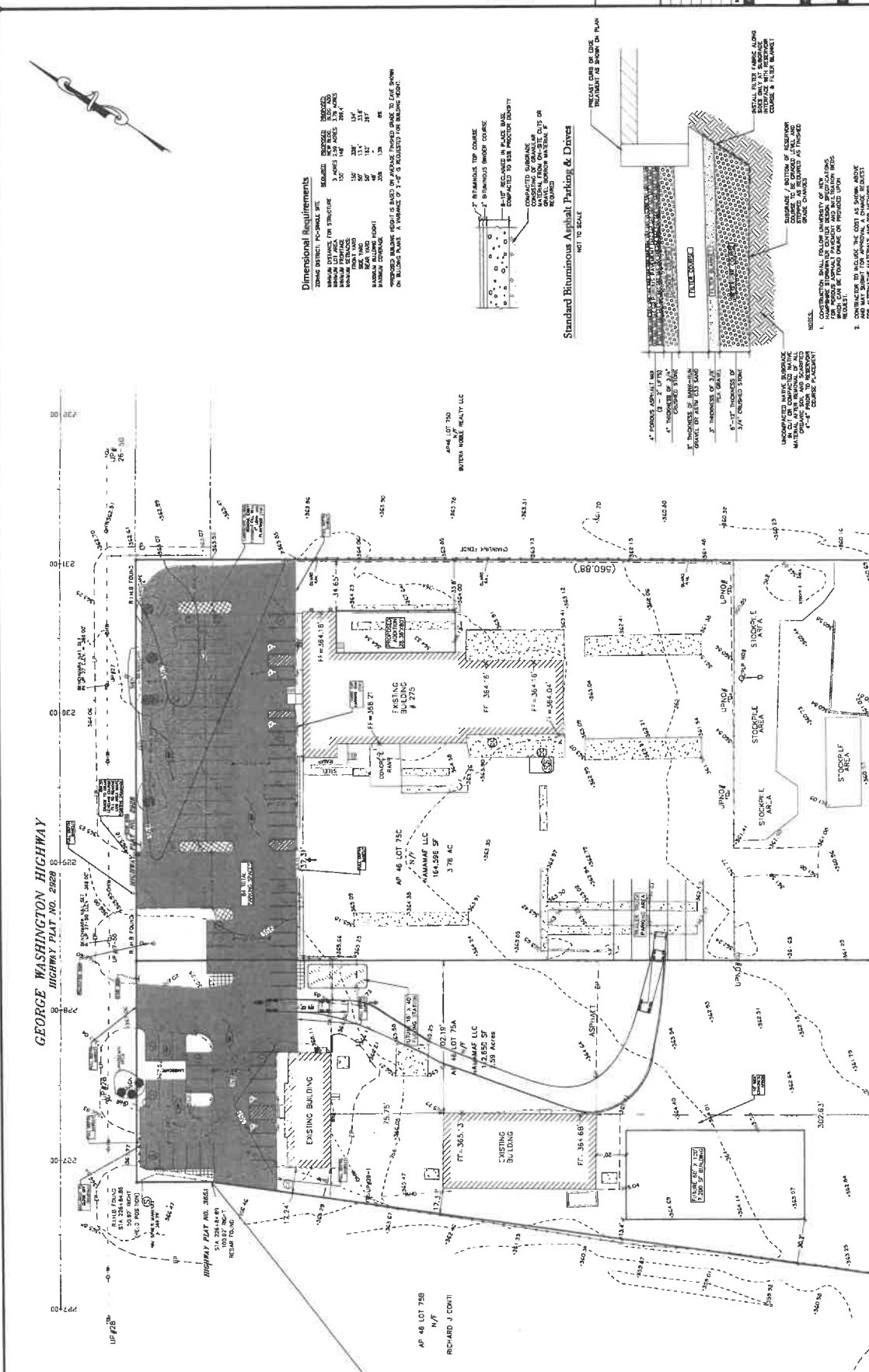


**Advanced Civil Design, Inc.**  
 CIVIL ENGINEERS  
 1000 W. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 PH: (303) 733-8888

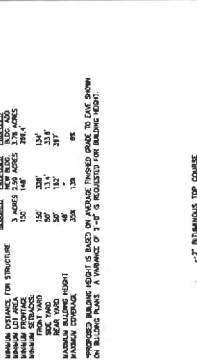
NO.	DATE	REVISIONS

**Parking Lot Reconfiguration**

**SITE PLAN**

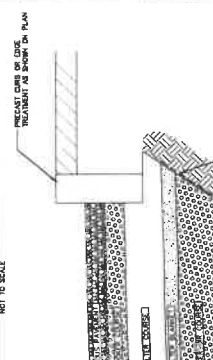


**Standard Bituminous Asphalt Parking & Drives**



**DETAILS:**  
 1. CONTRACTOR SHALL FOLLOW UNIVERSITY OF NEW HAMPSHIRE'S STANDARD SPECIFICATIONS FOR ROADWAY CONSTRUCTION, LATEST EDITION.  
 2. CONTRACTOR TO INCLUDE THE COST AS SHOWN ABOVE FOR ALL MATERIALS AND LABOR.  
 3. CONTRACTOR TO INCLUDE THE COST AS SHOWN ABOVE FOR ALL NECESSARY PERMITS AND APPROVALS.

**Standard Bituminous Asphalt Parking & Drives**



**DETAILS:**  
 1. CONTRACTOR SHALL FOLLOW UNIVERSITY OF NEW HAMPSHIRE'S STANDARD SPECIFICATIONS FOR ROADWAY CONSTRUCTION, LATEST EDITION.  
 2. CONTRACTOR TO INCLUDE THE COST AS SHOWN ABOVE FOR ALL MATERIALS AND LABOR.  
 3. CONTRACTOR TO INCLUDE THE COST AS SHOWN ABOVE FOR ALL NECESSARY PERMITS AND APPROVALS.

**GENERAL NOTE:** THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION. ALL UTILITIES SHALL BE PROTECTED AND DEPTH SHALL BE VERIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.