

Jun 26, 2020 at 09:52A

BOOK 855 PAGE 38
006-81-00042599

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

TOWN OF NORTH SMITHFIELD

ZONING BOARD OF REVIEW

February 25, 2020
Primrose Fire Station
1470 Providence Pike, North Smithfield, RI

DECISION RE:

The continuance of the application of DAS Contracting Corporation for a Special Use Permit and Dimensional Variances associated with a proposed 120-Unit Assisted Living Age Restricted (55+) Adult Activity Community entitled Slater Village located at 1118, 1152 and 1156 Victory Highway, plat 001, lots 134, 330 and 127 respectively. The applicant seeks relief from the following sections of the Zoning Ordinance: Section 5.5 District Dimensional Regulations; RU-20 District; Maximum Height; Section 5.6.3.7 Multifamily Dwellings, Apartments (a)(1)(b); Section 6.19 Water Supply Protection Overlay District; 6.19.10 Design and Operation Guidelines (C). The applicant also seeks a Special Use Permit pursuant to section 6.19(8).

BEFORE:

Robert Najarian
Scott Martin
Vincent Marcantonio
Paul Pasquariello
Michael Amalfitano
Gail Denomme
Christopher Deziel

ADMINISTRATIVE RECORD

A public hearing on this Application was held by the North Smithfield Zoning Board of Review after due and public notice was provided under the North Smithfield Zoning Ordinance and Rhode Island General Laws as follows:

- Publication in the Valley Breeze on January 2, 2020.
- Posting of the hearing notice at Town Hall, the Municipal Annex, Primrose Fire Station, and Rhode Island Secretary of State Website.
- Notification to parties of interest as determined by Section 5.6.2 (including the owners and applicants) by 1st Class mail on December 23, 2019.

At the public hearing all those who desired to be heard were given the opportunity to ask questions about this application and to speak for or against the application.

EXHIBITS:

P1) Application ZBR 20-01 meeting date originally was for 1/28/20 which includes a four-page memorandum from Joe Casali Engineering

P2) RI Dept. of Environmental Management Office of Water Resources letter titled Insignificant Alteration – Permit, recorded by the town Oct 3, 2019 dated 9/26/2019, 4 pgs

P3) North Smithfield Conservation Commission Minutes, from their meeting on 2/5/2020, 2 pgs

P4) 200' Radius Map & List of Abutters provided by Joe Casali Engineering Revision date 12/4/2019, 3 pgs

P5) Town of North Smithfield Planning Board Preliminary Plan Application Major Land Development Plan – Decision of Approval received and recorded by the town on 9/6/2019, 2 pgs

P6) The original written decision for DAS Contracting Corporation received and recorded on 10/29/2015, 5 pgs

P7) Minutes of the ZBR meeting on 8/25/2015 when the original application was heard, 7 pgs

P8) RI Dept of Transportation letter dated 9/11/2019 addressed to DAS Contracting Inc., regarding Physical Alteration Permit Application No. 181220, 1 pg

P9) Slater Village Aerial Map prepared by Joe Casali Engineering, Inc., titled Preliminary, Not for Construction dated Dec 2019, 1 pg

P10) 200' Radius Map prepared by Joe Casali Engineering, Inc., dated 12/4/2019 no engineering stamp

P11) Zoning Site Plan dated Dec. 2019 titled Slater Village prepared by Joe Casali Engineering, Inc., stamped by Joseph Casali No. 7250 Registered Professional Civil Engineer

P12) Resume for Daniel Decesaris, Registered Professional Engineer, Joe Casali Engineering

FINDINGS OF FACT

In compliance with Section 9.3 of the North Smithfield Zoning Ordinance, this written decision includes findings of fact, certifying compliance with the rules governing the dimensional variance, and that satisfactory provision and arrangement has been made, concerning the applicable portions of the North Smithfield Zoning Ordinance. Based on the testimony and evidence presented and a full review of the Application and the record all presented at the public hearings, the North Smithfield Zoning Board of Review makes the following findings of fact, under 9.3.1:

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 is not due to physical or economic disability of the applicant.

b) That the 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 character of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the comprehensive plan upon which this ordinance is based.

d) That the relief to be granted is the least relief necessary.

e) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

9.3.2 The ZBR shall, in addition to the standards in 9.3.1., require that evidence be entered into the record of the proceedings showing that:

(b) 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. The fact that use may be more profitable or that a structure may be valuable after the relief is granted shall not be grounds for relief.

6.19.8.4. Special-Use Permit criteria for the proposed use:

(1) Will not cause the groundwater quality to fall below the standards established by Rhode Island Department of Environmental Management (DEM), Rhode Island Department of Health (DOH), U.S. Environmental Protection Agency (EPA), Rhode Island Public Law Ch. 3799, 1956, (reenacted 1988 Ch. 84) Chapter 13, and where existing upon determination that the proposed activity will result in no further degradation

(2) Is in harmony with the purpose and intent of this ordinance and will promote the purpose of the Water Supply Overlay District

(3) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed

(4) Will not, during construction or thereafter, have any adverse environmental impact on any water body or course in the Water Supply Overlay District

(5) Will not adversely affect an existing or potential water supply

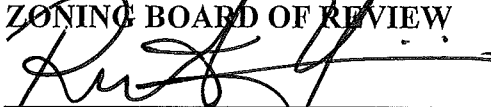
Michael Amalfitano made a motion to approve the application of DAS Contracting Corporation for a Special Use Permit pursuant to Section 6.19(8) and Dimensional Variances of the following sections of the Zoning Ordinance Section 5.5, Section 5.6.3.7, Section 6.19, Section 6.19.10 to develop a 120-Unit Assisted Living Age Restricted (55+) Adult Activity Community entitled Slater Village located at 1118, 1152 and 1156 Victory Highway, plat 001, lots 134, 330 and 127 with the following stipulations: to adjust their site plan to show compliance with the dimensional setback requirements that the applicant will add a 6 ft architectural barrier on the retaining wall parallel to Hall Road at flag 108, seconded by Scott Martin.

THE APPLICATION IS APPROVED BY A VOTE OF 5-0

Voting to Approve: Mr. Martin, Mr. Pasquariello, Mr. Marcantonio, Mr. Amalfitano and Mr. Najarian

Voting to Deny: None

**BY ORDER OF THE NORTH SMITHFIELD
ZONING BOARD OF REVIEW**



Robert Najarian, Chairman

RECORDED IN NORTSMITHFIELD RI Jun 26, 2020
AT 09:52A ATTEST LILLIAN SILVA SCOTT
Town Clerk