



**TOWN of NORTH SMITHFIELD
PLANNING DEPARTMENT**

One Main Street
Slatersville, RI 02876
Phone: 767-2200 Fax: 766-0016

APPENDIX B: APPLICATION FOR SUBDIVISION AND LAND DEVELOPMENT PROJECTS

The undersigned owner of land hereby requests to be placed on the agenda of the North Smithfield Planning Board and state that the required information detailed in the Subdivision Regulations of the Town of North Smithfield have been presented to the Administrative Officer.

Edward D. Pare, Jr. of Brown Rudnick LLP

is hereby designated as the person to whom legal process may be served in condition with any proceedings arising out of this application. I/We also certify that the undersigned is the owner of the property designed below:

Name of Project: American Tower - Permanent Tower **Date:** 11/18/24

Classification

- ☒ Minor
☐ Major

Type of Project

- ☐ Administrative
☐ Subdivision
☒ Land Development Project

Review Stage

- ☐ Pre-Application/Concept
☐ Master Plan
☒ Preliminary Plan
☒ Final Plan

1. Assessor's Plat(s) 5 Assessor's Lot(s) 484
2. Number of Lots: 1 3. Zoning Designation(s): Manufacturing
4. Street Name: 51 Industrial Drive, North Smithfield, RI
5. Divider/ Developer: American Tower LLC
6. Divider's/ Developer's Name: American Tower LLC
(Please Print)
Divider's/ Developer's Name: /s/Edward D. Pare, Jr.
(Signature)

7. Names, addresses, and signatures of all persons with 10% or more interest:

_____ (Signature)	<u>N/A - Public Company</u> (Please Print)
_____ (Signature)	_____ (Please Print)

8. Surveyor/ Engineer/ Attorney/ Representative: Brown Rudnick LLP
Name: Edward D. Pare, Jr.
Address: One Financial Center, Boston, MA 02111
Daytime Telephone # 401.481.6574 Facsimile # 617.856.8201

(The owner hereby grants permission to Planning Board members and other Town officials to enter the designated property for the purpose of inspection after notifying the owner 48 hours in advance of site visit.)



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Office of the Building and Zoning Official

APPLICATION FEES (REVISED 9/18)

The application fee consists of advertising, notification and processing fees, and is provided for in Appendix A of the Zoning Ordinance.

A. Any Residential Use Application

1) One and two family dwellings

- a) Special Use Permit/Dimensional Variance/ Use Variance \$450
- *Combination of two of the above \$550

2) Three family and above

- a) Special Use Permit/Dimensional Variance/ Use Variance \$500
- *Combination of two of the above \$650

B. Commercial Applications

- a) Special Use Permit/Dimensional Variance/ Use Variance \$600
- *Combination of two of the above \$700

C. Appeal the decision of the Zoning Official, Historic Commission, Planning Board or their Administrative Officer: \$450

D. Advertising Fee for each application: \$125.00

E. Abutter's Notification \$.50 per abutter

MAKE CHECK PAYABLE TO: TOWN OF NORTH SMITHFIELD



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TOWN OF NORTH SMITHFIELD

ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought: ___ Variance ___ Use *

☒ Variance – Dimensional*

☒ Special Use Permit **

* Attach Appendix A to apply for a Use or Dimensional Variances

** Attach Appendix B to apply for a Special Use Permit

Applicant: American Towers LLC, a Delaware limited liability company

Address 10 Presidential Way, Woburn, MA

Zip Code 01801 Phone 781-926-4500 Home/Office /Mobile

E-mail EPare@brownrudnick.com

Owner: MJJB Development, LLC, a Rhode Island limited liability company

Address 125 Industrial Drive, North Smithfield, RI

Zip Code 02896 Phone 401-639-3128 Home/Office/ Mobile

E-mail jason.jarvis@netrucksolutions.com



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Lessee: American Towers LLC, a Delaware limited liability company

Address 10 Presidential Way, Woburn, MA

Zip Code 01801 Phone: 781-926-4500 Home/Office Mobile

E-mail EPare@brownrudnick.com

Does the proposal require review by any of the following (check each):

☒ Planning Board

☐ Historic District Commission

☐ Other

1. Location of Property: 51 Industrial Drive, North Smithfield, RI

Street Address

2. Zoning District(s): Manufacturing

Special purpose or overlay district(s): _____

3a. Date owner purchased the Property:
06/20/2023

3b. Month/year of lessee's occupancy: _____

3. Dimensions of each lot: See attached Plans

Lot # _____ Frontage _____ depth _____ Total area _____ sq. ft.

Lot # _____ Frontage _____ depth _____ Total area _____ sq. ft.



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Lot # _____ Frontage _____ depth _____ Total area _____ sq. ft.

4. Size of each structure located on the Property:

Principal Structure: Total gross square footage _____

Footprint _____ Height _____ Floors _____

Accessory Structure: Total gross square footage _____

Footprint _____ Height _____ Floors _____

5. Size of proposed structure(s): Total gross square footage:

Footprint _____ Height _____ Floors _____

6a. Existing Lot coverage: (include all buildings, decks, etc.)

6b. Proposed Lot coverage: (include new construction)

7a. Present Use of Property (each lot/structure):

7b. Legal Use of Property (each lot/structure) as recorded in the Office of the Building and Zoning Official



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8. Proposed Use of Property (each lot/structure):

Permanent wireless facility monopole to allow continuous coverage by AT&T, Verizon Wireless and T-Mobile in light of the removal of the wireless equipment from the temporary monopole on the property.

9. Number of Current Parking Spaces: N/A

10. Describe the proposed construction or alterations (each lot/structure):

Install and operate a permanent 140' above ground level monopole style tower
with antennas of FCC licensees AT&T, Verizon Wireless, and T-Mobile attached to the monopole
with equipment cabinets containing the associated electronic equipment adjacent to the monopole
with cables running from the monopole to the equipment, all within a fenced compound
with utilities provided underground from an existing pole all as depicted on the plans submitted with the Application
in cooperation with the Town of North Smithfield to allow for the removal of the existing wireless facilities collocated on the existing water tank which is being refurbished.
Also see legal brief from legal counsel Brown Rudnick LLP attached hereto.

11. Are there outstanding violations concerning the Property under any of the following:

☐ Zoning Ordinance

☐ RI State Building Code

☐ North Smithfield Town Ordinance



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12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

Minor Land Development Review pursuant to the use chart contained in Section 5.4 of the Ordinance - the proposed use is a permitted use in the Manufacturing Zoning District, subject to Development Plan Review in Section 17 (see Section 5.4.7.18 – Cellular Communications Tower); Monopole over 125 feet in height and up to 200 feet in height) - Special use permit pursuant to Section 5.6.3.10.6(A)(1); and Variances from sections 5.6.3.10.7(A)(1)&(2) for setbacks from: any residential structure or lot line a minimum distance of 500 feet; and, setbacks a distance equal to one and one-half times the height of the tower from the lot line of any adjoining commercial or manufacturing structure or use; and waivers from various technical provisions due to the nature of the wireless facility; all in compliance with Rhode Island State Law and in light of the Federal Telecommunications Act of 1996, all rights reserved.

13. Explain the changes proposed for the Property.

See response to item 10 on page 10 of this application form and the legal brief from legal counsel Brown

Rudnick submitted herewith.



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The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application. The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements.

Owner(s):

Applicant(s):

See Letter of Authorization

Brown Rudnick LLP
by Edward D. Pare, Jr.

Print Name

Print Name

/s/Edward D. Pare, Jr.

Signature

Signature

All requirements listed and described in the Instruction Sheet must be met or this application will not be considered complete or vested



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APPENDIX A

APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(c) requires that the Applicant for a variance demonstrate:

- (1) 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 a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16);
- (2) 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;
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based;
- (4) That the relief to be granted is the least relief necessary; and
- (5)
 - (a) For a use variance: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;



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(b) For a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience.

Please provide the following information:

1. What is the specific hardship from which the applicant seeks relief?

Significant gaps in wireless coverage for three (3) FCC-licensed wireless providers; also see legal brief from legal counsel Brown Rudnick submitted herewith.

2. Specify any and all unique characteristics of the land or structure that cause the hardship?

The elevation of the land and proximity to the existing wireless facilities on the water tank adjacent to the property and the temporary monopole on the site are unique to the needs of the FCC-licensed wireless providers in light of the removal of the wireless facilities; also see legal brief from legal counsel Brown Rudnick submitted herewith.

3. (a) Is the hardship caused by an economic disability? Yes ____ No x

(b) Is the hardship caused by a physical disability? Yes ____ No x

(c) If the response to subsection (b) is "yes," is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.? Yes ____ No ____



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4. Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)? Yes ____ No x If "yes," describe any and all such prior action(s), and state the month/year taken.

5. State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

No longer applicable due to amendment in state law effective January 1, 2024; see R.I. General Laws §45-24-41(d)(2).

6. State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).

No longer applicable due to amendment in state law effective January 1, 2024; see R.I. General Laws §45-24-41(d)(4).



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7. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.

Not applicable; the use is a permitted use subject to development plan review.

8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

~~If not granted, the property owner will not be allowed to use the property for a permitted use.~~

Based on the evidence submitted, the wireless facility will comply with all codes and will be structurally adequate to support the wireless facilities of three (3) FCC-licensed wireless providers.

Without the relief, the wireless providers will have gaps in coverage which create public safety issues and connectivity issues for those residents, businesses and travelers in the area; see legal brief from legal counsel Brown Rudnick submitted herewith.



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APPENDIX B

APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.

Special use permit pursuant to Section 5.6.3.10.6(A)(1)

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.

See legal brief from legal counsel Brown Rudnick submitted herewith.

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.

See legal brief from legal counsel Brown Rudnick submitted herewith.



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4. State all facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community.

See legal brief from legal counsel Brown Rudnick submitted herewith.
