

EXHIBIT A

REQUEST FOR WAIVERS

The following Requests for Waivers are submitted as part of the Unified Development Review of the Application for Master Plan Review of Major Land Development Project (“LDP Application”) and Application for Special Use Permit and Use Variance (“Zoning Application”) submitted by Greenville Realtors, LLC and Marwan Eieadah (“Applicant/Owner”) concerning the property located at 3 Greenville Road, North Smithfield, RI 02896 (Plat 9, Lot 435) in the Business Neighborhood (BN) zoning district.

I. Standard for Waivers

Under of Article VII of the Land Development and Subdivision Regulations, the Planning Board has the power to grant waivers and/or modifications from the requirements for land development approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the North Smithfield Comprehensive Plan and the North Smithfield Zoning Ordinance.

II. Requests for Waivers

Pursuant to Section 7-2 of Article VII of the Land Development and Subdivision Regulations, as well as § 340-6.9 and R.I. Gen. Laws § 45-23-62, the Applicant/Owner requests waivers from the following design standards set forth in the Zoning Ordinance:

1. § 340-4.8.1.A.1 – Dumpster Setback

This section requires that dumpsters be located a minimum of ten (10) feet from any side lot line. The proposed site plan places the dumpster enclosure within ten (10) feet of the side lot line in order to accommodate vehicle circulation and screening on a compact commercial site. Applicant/Owner requests a waiver from the 10-foot setback requirement for the dumpster location in accordance with the site plans entitled “Master Plan Set for Proposed Marketplace, Drive Thru & Gas Station” prepared by Civil Design Group, LLC and dated July 15, 2025 (the “Plans”).

2. § 340-6.8.C.2.b.2 – Landscape Buffer Along Streets

This section requires a ten (10) foot wide landscape buffer along all street frontages. Due to site constraints and the need to accommodate safe ingress and egress, Applicant/Owner proposes to reduce the buffer width in limited locations. Applicant/Owner requests a waiver to reduce the required 10-foot landscape buffer along the Greenville Road frontage in accordance with the Plans.

3. § 340-6.8.C.2.b.6 – Tree and Shrub Planting Spacing

This section requires that trees and shrubs be planted at 30-foot intervals. The proposed landscape plan includes professionally selected plantings with alternative spacing designed for site aesthetics and screening effectiveness. The Applicant requests a waiver from the 30-foot spacing requirement for tree and shrub plantings in accordance with the Plans.

4. § 340-6.8.C.2.b.7 – Parking Location Relative to Building

This section provides that parking shall be located to the side or rear of commercial buildings in the BN district. The site plan proposes a limited amount of parking between the front building façade and Greenville Road to support convenience store access and safe circulation. The Applicant/Owner requests a waiver to permit parking in front of the proposed building.

5. § 340-6.8.D – Landscape Design Standards

This subsection includes detailed requirements for berms, screening, plant groupings, and landscape visual corridors. While the Applicant/Owner proposes a professionally designed and cohesive landscape plan, strict adherence to every standard in this subsection is not feasible due to the compact site layout. The Applicant/Owner requests a waiver from strict compliance with § 340-6.8.D.

6. § 340-6.8.F – Architectural Design Standards

This section requires specific architectural treatments and features. Applicant/Owner proposes to finalize architectural elevations at the building permit stage, consistent with corridor aesthetics and subject to staff and/or Planning Board review. The Applicant/Owner requests a waiver or deferral from the immediate application of architectural standards under § 340-6.8.F, with final review to occur at the permit stage.

III. Justification for Approval of the Requests for Waivers

1. The physical and functional characteristics of the site justify a waiver without being contrary to the public good.

The Property is a single, undersized commercial lot located on a heavily trafficked corridor. Its shape and configuration require efficient use of the site in order to safely accommodate multiple functions—including fueling operations, retail service, and vehicular circulation. A strict, literal application of all landscape, setback, and parking location standards would impair the ability to safely and feasibly develop the site in a manner consistent with its zoning designation. The waivers requested support a well-balanced site plan that maximizes safety, accessibility, and aesthetic compatibility with the area.

2. Literal enforcement of the regulations would involve practical difficulty and undue hardship to the Applicant/Owner.

The Project requires the incorporation of fueling infrastructure, a freestanding canopy, ADA-compliant parking, drive-thru lane, and safe maneuvering areas for both passenger and service vehicles. Strict compliance with every dimensional buffer, tree spacing, dumpster location, and building placement standard would eliminate essential elements of site functionality and compromise design intent. Requiring literal compliance with all design standards would impose significant practical difficulty and preclude development of the site in a commercially viable manner, frustrating the intent of the zoning designation and the comprehensive plan.

3. The waiver relief is necessitated by conditions unique to the site, not shared by other parcels in the zoning district.

Unlike larger parcels in the BN zone, the subject property is constrained by its relatively narrow width, shallow depth, and corner exposure. These physical limitations require compact, integrated design strategies. Additionally, the required separation distances between circulation elements, landscape buffers, and building features cannot be reasonably accommodated without either eliminating required uses or forcing unsafe traffic patterns. The requested waivers respond to unique and site-specific conditions and do not constitute a blanket relaxation of district-wide requirements.

4. Granting the waivers will not result in a substantial detriment to the public good or to neighboring properties.

The Project will upgrade a previously underutilized commercial site with a modern, professionally designed development offering needed retail and fuel services. The landscape plan, although not in strict compliance with every prescriptive standard, includes retaining walls, screening, landscaping, plantings, and site improvements that will complement the character of the surrounding area. Parking, signage, and circulation patterns are designed to enhance safety for all users. The requested waivers will not harm the public interest and are consistent with the Town's broader planning and development goals.

5. The Project remains consistent with the Comprehensive Plan and the intent of the zoning ordinance.

The BN district encourages compact, neighborhood-scale commercial uses that support community needs and local economic activity. The proposed development fulfills this intent by introducing a service-oriented use on an appropriately zoned parcel, while also enhancing pedestrian and vehicular access, aesthetics, and functionality. The waiver relief enables practical implementation of zoning and comprehensive plan goals and will result in a high-quality commercial project that enhances the surrounding built environment.