

**STATE OF RHODE ISLAND  
THE TOWN OF NORTH SMITHFIELD**

**AN ORDINANCE TO AMEND  
SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS**

I

*It is Ordained by the Town Council of the Town of North Smithfield, Rhode Island as follows:*

**SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS** of the North Smithfield Code of Ordinances is hereby amended as follows:

## SECTION 6.

## **SUPPLEMENTARY DISTRICT REGULATIONS**

## 16 Sec. 6.19. Water Supply Protection Overlay District.

### **17 6.19.1. Establishment and purpose of the district.**

18 There is hereby established a Water Supply Protection Overlay District (WSPD) which shall be  
19 the area defined as those assessor's lots which are indicated as the WSPD on the official zoning  
20 map of the Town of North Smithfield. The WSPD is an overlay district superimposed over the  
21 existing underlying zoning districts established by this ordinance. The regulations imposed by  
22 the WSPD shall apply in addition to the regulations of the underlying zoning district. In the event  
23 of a conflict or inconsistency between the regulations imposed by the WSPD and those  
24 established by the underlying zoning district, the regulations imposed by the WSPD shall prevail.

25 The regulations herein governing the development and use of lands within the water supply  
26 protection overlay district aquifers shall take precedence over any other conflicting laws,  
27 ordinance, or codes, and are established for the following purposes:

- (A) To protect the quality and supply of future and present sources of drinking water for the residents of the Town of North Smithfield and adjacent communities by regulating the use and development of land to protect major stratified drift aquifers and their recharge areas (GAA Classification), surface drinking water supplies and their watersheds, community well-head protection areas, and town-owned non-transient, non-community wellhead protection areas (schools) and to prevent uses of land detrimental thereto;
- (B) To protect, preserve and enhance drinking water resource quality and the integrity of natural systems;
- (C) To protect the health, safety, and general welfare of the public.
- (D) To protect the supply of future and present sources of drinking water from high intensity land development and from potentially hazardous materials associated with specific land uses; as contained in section 6.19.5 and 6.19.8.4

## 46 6.19.2. Definitions.

47  
48 For the purpose of this subsection and this ordinance generally, the following terms shall have  
49 these meanings:

50 **51** **52** **53** **54** **55** **56** **57** **58** **59** **60** **61** **62** **63** **64** **65** **66** **67** **68** **69** **70** **71** **72** **73** **74** **75** **76** **77** **78** **79** **80** **81** **82** **83** **84** **85** **86** **87** **88** **89** **90** **91** **92** **93** **94** **95** **96** **97** **98** **99** **100** **101** **102** **103** **104** **105** **106** **107** **108** **109** **110** **111** **112** **113** **114** **115** **116** **117** **118** **119** **120** **121** **122** **123** **124** **125** **126** **127** **128** **129** **130** **131** **132** **133** **134** **135** **136** **137** **138** **139** **140** **141** **142** **143** **144** **145** **146** **147** **148** **149** **150** **151** **152** **153** **154** **155** **156** **157** **158** **159** **160** **161** **162** **163** **164** **165** **166** **167** **168** **169** **170** **171** **172** **173** **174** **175** **176** **177** **178** **179** **180** 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53 Bedrock - means ~~t~~The solid rock, commonly called “ledge,” that forms the earth’s crust

55 Community water system- A public water system which serves at least fifteen (15) service  
56 connections used by year-round residents or regularly serves at least twenty-five (25) year-  
57 round residents.

59 Contaminant - means any physical, chemical, biological, or radiological substance or matter  
60 in water which impairs its intended or feasible use.

61  
62 Degradation - means a deterioration or a decline in ambient water quality

63 Discharge to groundwater- The intentional, negligent, accidental, or other release of any  
64 pollutant onto or beneath the land surface, in a location where it is likely to enter the  
65 groundwater of the State.

66 Disposal- The deposit, injection, dumping, spilling, leaking, incineration of, or placing of any  
67 pollutant or hazardous materials into or on any land or water so that such pollutant(s),  
68 hazardous material(s) or any constituent thereof may enter the environment.

69  
70 GAA Classification- Groundwater classified GAA includes those groundwater resources that are  
71 known or presumed to be suitable for drinking water use without treatment, including the  
72 following:

- 73 (1) The state's major stratified drift aquifers that are capable of serving as a  
74 significant source for a public water supply (groundwater reservoirs) and  
75 the critical portion of their recharge areas as delineated by DEM; and
- 76 (2) The wellhead protection area for each public water system community water  
77 supply well. Community water supply wells are those that serve resident  
78 populations and have at least 15 service connections or serve at least 25  
79 individuals (e.g., municipal wells, and wells serving nursing homes,  
80 condominiums, mobile home parks, etc.)

82 Groundwater Water located beneath the ground surface which completely fills the open spaces  
83 between particles of sediment and within rock formations.

84 Groundwater - means Water found underground which completely fills the open spaces  
85 between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of  
86 materials filled with groundwater is called the "zone of saturation".

87 Groundwater recharge - means The process of the addition of water to the zone of saturation,  
88 that zone beneath the water table.

89 Underground storage tank (UST)-Any one or more combinations of tanks (including  
90 underground pipes connected thereto) used to contain petroleum or other hazardous material  
91 and which is located wholly or partly beneath the surface of the ground.

92 Hazardous waste- Any material or combination of materials of a solid, liquid, contained  
93 gaseous, or semi-solid form which because of its quantity, concentration or physical,  
94 chemical, or infectious characteristics may:

95 (1) Cause or significantly contribute to an increase in mortality or an increase in  
96 serious irreversible, or incapacitating reversible, illness; or

97 (2) Pose a substantial present or potential hazard to human health or the  
98 environment. Such materials include, but are not limited to, those which are toxic,  
99 corrosive, flammable, irritants, strong sensitizers, substances which are assimilated or  
100 concentrated in and are detrimental to tissue, or which generate pressure through  
101 decomposition or chemical reaction and include septic wastes. In addition, such materials  
102 include "industrial waste" as such term is used in the Rhode Island General Laws, as  
103 amended, unless the context shall clearly indicate otherwise. Hazardous waste shall also  
104 include all waste types as defined in the rules and regulations adopted in accordance with  
105 Title 23, Chapter 19.2 of the General Laws of the State of Rhode Island, and Providence  
106 Plantations, as amended.

107 Hazardous material- Any material defined as a "hazardous substance" by section 101 (14) of  
108 the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of  
109 1980 (42 USC 9605) as amended. Hazardous Material shall include any hazardous waste as  
110 well as any of the following materials: acetone, ethanol, ethylene oxide, methanol, methylene  
111 chloride, perchloroethylene and petroleum products. The enumeration of the above materials is

112 not intended in any way to minimize the list of material defined in the aforesaid section.  
113 *Maximum contaminant level* - ~~means~~ <sup>+</sup>~~T~~he maximum permissible level of a contaminant present in the  
114 water determined at a point of entry into the distribution system and at any point in the distribution  
115 system.

116 *Hazardous waste management facility*- A facility, excluding vehicles, for  
117 collection, source separation, storage, processing, treatment, recovery, or disposal  
118 of hazardous stations for hazardous waste, and may include a facility at which such  
119 activities occur, and hazardous waste has been generated.

120 ~~*Natural Fill - Natural uncontaminated sand, soil and general particles without any  
other materials including those which are man made. (Need DEM to approve.)*~~

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122 *Onsite wastewater treatment system*- One installed to provide sanitary sewage disposal  
123 by leaching into the ground where no public sewer system is available or accessible.

124 *Pollutant*- A man-made or man-induced substance which causes or could cause the  
125 alteration of the chemical, physical, biological, or radiological integrity of groundwater.

126 *Recharge area of aquifer*- Any area in which precipitation percolates to the water table and  
127 flows through materials to the aquifer.

128 *Reservoir*: A pond, lake, or basin, either natural or artificial, for the storage, regulation, and  
129 control of water.

131 *Solid wastes*- Useless, unwanted, or discarded solid materials with insufficient  
132 liquid content to be free-flowing. This includes, but is not limited to, rubbish,  
133 combustion residues, garbage, scrap materials, junk, fill material, demolition  
134 debris, construction wastes and refuse.

135 *Town-owned non-transient non-community water system*- A town-owned non-community  
136 water system that regularly services at least 25 of the same persons over six months of the  
137 year (e.g., schools).

138 *Water Supply Protection Overlay District*- The Water Supply Protection Overlay District  
139 includes all land in the Town identified as major stratified drift aquifers and their recharge areas  
140 (GAA Classification), surface drinking water supply watersheds, community wellhead  
141 protection areas, and town-owned non-transient, non-community wellhead protection areas  
142 (schools). The term Water Supply Protection Overlay District shall be synonymous with  
143 Groundwater Aquifer Protection Overlay District.

144 *Water Supply Watershed*-The portion of land drained by a river and its  
145 tributaries to a reservoir used for the storage, regulation, and control of  
146 public drinking water.

147 *Water table*- The upper surface of the saturated zone in an unconfined aquifer.

148 *Wellhead protection area*- The critical portion of a three-dimensional zone, surrounding a  
149 community public well or town-owned non-transient non-community well (schools) through  
150 which water will move toward and reach such a well or well field as designated by the RIDEM  
151 and any amendments thereto.

#### 152 **6.19.3. Applicability.**

153 ~~With the exception of exempt industrial or commercial areas as depicted on Water Supply  
154 Protection Overlay District Map, The Water Supply Protection Overlay District (“the WSPD”),  
155 shall apply to those areas so designated on the Official Zoning Map that is part of this Ordinance,  
156 and on file at the Town Clerk’s Office and on display in the Building Inspector’s Office.~~

157 The map of the Water Supply Overlay District is based upon natural topography and estimated  
158 groundwater recharge flow lines, not property boundaries. The boundaries of the water supply  
159 basin include sub watersheds of the Blackstone Watershed ~~and further~~; a drinking water sub  
160 watershed of the Peters River to Mouth area known as the Crookfall Brook Watershed. The  
161

164 primary groundwater protection areas were delineated by the RI DEM pursuant to the  
165 methodology described in the Groundwater Quality Rules, June 2010, and amendments thereto.  
166

167 ~~The Water Supply Protection Overlay District is superimposed over any other zoning district  
168 established by this Ordinance. The regulations imposed by the Water Supply Overlay District  
169 shall apply in addition to the regulations of the underlying zoning district. In the event of a  
170 conflict or inconsistency between the regulations imposed by the Water Supply Overlay District  
171 and those established by the underlying district, the regulations imposed by the Water Supply  
172 Protection Overlay District shall govern.~~  
173

174 The Crookfall Brook Watershed encompasses and is home to the City of Woonsocket public  
175 drinking water natural resource. Accordingly, the City of Woonsocket, Town of Lincoln, and  
176 Town of Smithfield, shall be notified regarding projects within the Crookfall Brook Watershed.  
177 Project's falling within the GAA area in the northern part of North Smithfield shall require  
178 notice to the Towns of Uxbridge, Millville, and Blackstone, Massachusetts.  
179

180 Overlay zones were determined using an analytical model for delineation from RI DEM  
181 (specifically the United States Geological Survey 7.5-minute quadrangle maps (1:24,000 scale).  
182 All district boundaries may be revised based upon improved data and delineations provided by  
183 RI DEM through amendments to Groundwater Quality Rules and RIGIS Updates.  
184

185  
186 When a lot is partially within the overlay district, the entire lot shall be  
187 considered to be located within the overlay district for application purposes.

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#### 188 6.19.4. Characteristics.

190 Water generally enters an aquifer by downward percolation from land surface recharge area and  
191 moves laterally underground toward areas of natural and man-induced discharge. The soils and  
192 subsoil conditions of the lands in the groundwater aquifer zone are such that any use introducing  
193 pollutants or hazardous materials into the natural drainage system could adversely affect the  
194 quality of drinking water resources, including the waters of the Slattersville and the Woonsocket  
195 Water Supply Reservoirs.  
196

#### 197 6.19.5. Permitted uses.

198 All uses permitted in the various zones established by this ordinance that do not cause the  
199 introduction of pollutants or hazardous materials into the ground or waters of the Town (either  
200 directly or through atmospheric disposition) shall be permitted in the Water Supply Protection  
201 Overlay District. Any property located within the Water Supply Protection Overlay District and  
202 identified in Zoning Section 5.4 the District Use Regulations Table required to obtain a special  
203 use permit as being zoned BH, MU1, MU2, and Manufacturing shall also be required to apply  
204 for and successfully obtain a special use permit in compliance with the standards contained in  
205 Section 6.19.8.4. Special-use permit approval criteria.  
206

#### 207 6.19.6. Prohibited uses.

208 The following uses, except those lawfully established maintained pre-existing uses, are  
209 specifically prohibited within the Water Supply Protection Overlay District:  
210

211 (A) Any use, or accessory use which is not a permitted use as contained in Section  
212 5.4 the District Use Regulations Table or is authorized by special use permit in  
213 the underlying municipal zoning district shall be classified as a prohibited  
214 use.

215 (B) Emerging contaminants of concern shall be considered/regulated as health  
216 standards become available.

217 (C) Any uses identified by RIDEM in Groundwater Quality Rules (250-RICR-150-  
218 05-3), Active Rule and as amended.

219 (A) Any uses prohibited (N) in the underlying zoning districts;  
220

226 (B) Septic and solid waste management, treatment, or transfer facilities, including,  
227 without  
228 limitation, landfills, junkyards and salvage yards. Additionally, land disposal of  
229 septic and sewage sludge, resource recovery or recycling facilities, and hazardous  
230 waste treatment facilities;

231 (C) Storage of petroleum or petroleum products, including, without limitation,  
232 gasoline service stations, fuel dealers, oil and bottled gas sales and service,  
233 and open lot storage of such fuels. This prohibition shall not apply to the  
234 replacement or upgrading of existing underground storage tanks  
235 containing petroleum products or hazardous materials and associated piping,  
236 having the same storage capacity or less, installed prior to the effective date of these  
237 regulations, provided that such activity is regulated by the RI Department of  
238 Environmental Management and takes place in accordance with all applicable state and  
239 federal regulations;

240 (D) Storage of road salt, sand/salt mixtures, or other de-icing chemicals in quantities  
241 greater than for normal individual household use. At locations where such  
242 materials have been stored prior to the effective date of these regulations, such  
243 materials must, at a minimum, be covered with a secured, durable,  
244 waterproof cover to protect the materials from precipitation, with an  
245 impermeable storage and handling surface that will prevent contaminated  
246 runoff;

247 (E) Manufacture, use, storage, or disposal of toxic or hazardous materials, excluding  
248 normal household activities;

249 (F) Industrial uses which discharge process liquids on site, like metal plating,  
250 machine shops,  
251 metal working shops and welding shops, finishing and polishing, including  
252 jewelry manufacturing;

253 (G) Commercial chemical users, including but not limited to hairdressers,  
254 photographic processors, print shops, and dry cleaners, excluding pick up or  
255 drop off;

256 (H) Furniture stripping and refinishing businesses;

257 (I) Storage or disposal of hazardous waste, including, without limitation, chemical  
258 wastes, radioactive materials, and waste oil other than in the course of  
259 normal household activity;

260 (J) Boat or motor vehicle service or repair shops, gasoline or diesel powered engine  
261 repair shops and commercial car washes;

262 (K) All fossil fuel fired power plants.

263 (L) The storage, disposal, or use as fill of material containing asphalt, concrete,  
264 construction debris or stumps, even if determined to be non-hazardous;

265 **6.19.7. Exemptions.**

266 The following uses shall be exempt from the provisions of this subsection:

267 (A) Agricultural uses, as defined by subsection 3.4.1 of this ordinance;

268 (B) Onsite wastewater treatment systems associated with otherwise permitted uses;

269 (A) Storage of petroleum products in a free standing container within a building for  
270 the purpose of heating that building.

271 (B) Routine maintenance of buildings and landscape care; however, application of

288 fertilizers and pesticides in close proximity to wetlands and associated state or  
289 local buffer areas is not recommended. Enhancement of wetland buffers by  
290 allowing natural re-vegetation of native plants or planting in accordance with  
291 DEM standards is encouraged.  
292

293 Notwithstanding any other provision herein, a nonconforming and already permitted use within  
294 the Water Supply Overlay District may be continued and maintained so long as it remains  
295 otherwise lawful. No such use shall be enlarged, altered, extended, or operated in any way which  
296 increases its threat to groundwater quality or otherwise contravenes the purpose and intent of this  
297 ordinance.  
298

300 **6.19.7. Pre-Existing Nonconforming uses:**  
301

302 Any nonconforming use lawfully established prior to the adoption of this section shall be  
303 considered a preexisting nonconforming use and shall be allowed to continue in its current state  
304 until such time the nonconforming use is discontinued, abandoned, or converted to a conforming  
305 use, and no such nonconforming use shall be expanded.  
306

307 In the event that a nonconforming use has ceased for a period of one (1) year, such  
308 nonconforming use shall not be resumed except in conformity with the provisions of  
309 this Section.  
310

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311 **6.19.8. Special use permits.**  
312

313 Any property located in the Water Supply Protection Overlay district and identified in the  
314 District Use Regulation Table in Section 5.4, as BH, MU1, MU2, and Manufacturing, shall be  
315 required to apply for and successfully obtain a special use permit.  
316

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317 The Special Permit Granting Authority under this Water Supply Protection Overlay District shall  
318 be the Zoning Board of Review. Such special permits shall only be granted if the Board  
319 determines that the intent of this ordinance and each of its specific criteria are fully met. In  
320 making such determination, the Board shall give consideration to the demonstrated  
321 reliability and feasibility of the use and pollution control measures proposed and the degree of  
322 threat to water quantity and quality which would result if the control measures performed at less  
323 than design efficiency. In addition, the Board shall take into consideration the sensitivity of the  
324 water body to which the site drains. A water body and its watershed will be considered sensitive  
325 if a Total Maximum Daily Load is written or under development for it, or it is included on  
326 RIDEM's 303(d) list, or is included on RIDEM's list of Special Resource Protection Waters  
327 (Appendix D of the Water Quality Regulations) or has been noted by the Town Council or the  
328 Comprehensive Plan to be a critical resource of special concern. The Board may impose such  
329 conditions, safeguards, and limitations as it deems appropriate. The Board shall document the  
330 basis for any departures from the recommendations of other town boards or agencies, in its  
331 decisions.  
332

**6.19.8.1 Exemptions.**  
333

334 Any lawfully established use in effect prior to the adoption of this ordinance on [insert adoption  
335 date] may be exempt from the special use permit requirements contained in this Section 6.19,  
336 Water Supply Protection Overlay District, subject to the following criteria:  
337

- 338 A. Any expansion and/or addition of a lawfully established use that is less than or  
339 equal to twenty (20%) percent of the existing gross floor area (GFA) shall be  
340 exempt from the provisions of this section and shall not require a special use  
341 permit, or
- 342 B. Any expansion and/or addition of lawfully established use that does not result in a  
343 net increase of impervious area shall be exempt from the provisions of this section  
344 and shall not require a special use permit.  
345

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348 **6.19.8.1. Technical assistance.** To assist its review of applications for special use permits, the  
349 Board may ~~shall may~~ engage a professional licensed geologist, hydrologist, soil scientist, or  
350 engineer experienced in groundwater evaluation or hydrogeology to review the application for  
351 completeness and accuracy, and to verify the inclusion of the subject property within the Water  
352 Supply Protection Overlay District. Said professional shall work on behalf of and advise the  
353 Zoning Board in all matters related to the application, the cost of which shall be borne by the  
354 applicant.

355 If an application submitted to the Board does not contain adequate data, including field and  
356 laboratory measurement results and fully documented calculations, performed and certified by a  
357 professional geologist, hydrologist, soil scientist or licensed Rhode Island engineer experienced  
358 in groundwater evaluation, or water supply information submitted in support of the application  
359 and subject land, whichever is proposed, the Board may engage a professional geologist,  
360 hydrologist, soil scientist or licensed Rhode Island engineer experienced in groundwater  
361 evaluation or hydrogeology to perform analyses and prepare all data necessary for an accurate  
362 evaluation of the application and shall charge applicant for the costs of such information.

363 ~~If it has been determined by the Board or the Board's professional consultant that an application  
364 does not contain adequate data, including field and laboratory measurement results and fully  
365 documented calculations, performed and certified by a licensed professional geologist,  
366 hydrologist, soil scientist, or engineer experienced in groundwater evaluation, or water supply  
367 information submitted in support of the application, the Board shall notify the applicant, and the  
368 applicant shall be allowed to provide the required material for review by the Board. Should the  
369 applicant decline the opportunity and/or refuse to provide the supplementary material, the Board  
370 shall deny the application with prejudice and the applicant shall not reapply within 12 months of  
371 the denied application.~~

372 **6.19.8.2 Expert testimony.** At the request of the Zoning Board, the Town may  
373 engage a professional civil engineer, hydrologist, geologist, soil scientist, or  
374 other appropriate professional for outside expertise, at the expense of the  
375 applicant, to provide findings and recommendations, including a statement of  
376 general consistency of the application with the goals and purposes of this  
377 section. Said findings shall be provided to the Zoning Board and applicant and  
378 shall be a public document available for review in the office of the Zoning  
379 Official.

380 **6.19.8.32. Application contents.** In addition to the requirements of the North Smithfield Zoning  
381 Ordinance and all applicable state and federal requirements, the following requirements will  
382 apply:

383 (1) Each application for a special permit shall be filed with the Board and shall  
384 comply with the Rules and Regulations of the Board. The application, including any plans and  
385 accompanying text, shall be sufficient to allow full evaluation of the proposed use and its  
386 impacts on the Groundwater Protection Overlay District.

387 (2) The application shall be prepared in accordance with the data requirements of the  
388 proposed developed site plan review, erosion, and sedimentation control plan, etc.

389 (3) The application shall include an analysis by a licensed professional geologist,  
390 hydrologist, soil scientist, or engineer experienced in groundwater evaluation or hydrogeology to  
391 demonstrate that the proposed activity will not be detrimental to the purpose of the district. At a  
392 minimum, the analysis shall fully describe the seasonal profile of the volumes and directions of  
393 groundwater and surface water flows for pre and post development ~~scenarios~~ scenarios, the  
394 location and use of all present and potentially suitable future drinking water supplies that could  
395 be affected by uses, and the location and use of any surface and/or groundwater that could be  
396 affected by the proposed use.

397 The application shall contain adequate data, including field and laboratory measurement results  
398 and the fully documented calculations.

399 (4) The applicant shall present a profile of potential events which could adversely  
400 affect the normal range of quality or quantity of water leaving the site. Such events shall include  
401 any which could reasonably be expected to occur at least once in the lifetime of the proposed

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409 use.

410

411 **6.19.8.34. Review by other town boards or agencies.** Upon receipt of the special permit  
412 application, the Zoning Board of Review shall transmit forthwith, a copy of the application to the  
413 Planning Board, Conservation Commission, Town personnel, and other such Boards or Agencies  
414 as it may deem necessary or appropriate for their written reports. Any such board or agency to  
415 which petitions are referred shall make recommendations or submit such reports as they may  
416 deem appropriate and shall send a copy thereof to the ~~Planning Zoning Board~~<sup>Zoning Board</sup> and  
417 the applicant within ~~forty-five (45)~~ thirty (30) days of receipt of the application by such board or  
418 agency. Failure to make a written recommendation or submit a written report within the ~~thirty-~~  
419 ~~five (35)~~ thirty (30) day period shall be deemed a lack of opposition.

420

421 **6.19.8.54. Special-use permit approval criteria.** After notice and public hearing, and after due  
422 consideration of the reports and recommendations of other Town personnel, boards and agencies,  
423 ~~and the Board's professional consultant~~, the Zoning Board of Review may grant such a special  
424 use permit if it finds the proposed use ~~has met the recommended criteria which~~<sup>includes but is not limited to:</sup>

425

426

427 (1) The ability to meet the standards contained in the 250-RICR-150-  
428 05-3, Groundwater Quality Rules Section 3.11 "Groundwater  
429 Quality Standards and Preventive Action Limits," pertaining to  
430 GAA and GA classified groundwater areas. (1)

431 (2) Submit a copy of approved H hazardous materials reporting plan shall be  
432 submitted annually to the local municipality (as applicable to the use).  
433 Proper storage of any potentially hazardous material and a hazardous materials  
434 contingency plan for these materials. Examples include but not limited to:  
435 A. Waste manifest  
436 B. Small and/or large quantity generator status.  
437 C. Chemical hazard inventory.  
438 D. Air pollution reports.  
439 E. Hazardous material inventory / waste management plan.  
440 F. Regulated medical, and/or pharmaceutical waste.  
441 G. Any other state and/or federal requirements.

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459 (32) Is in harmony with the purpose and intent of this ordinance and will promote the  
460 purpose of the Water Supply Protection Overlay District.

461 (43) Is appropriate to the natural topography, soils, and other characteristics of the site  
462 to be developed.

463 (54) Will not, during construction or thereafter, have any adverse environmental  
464 impact on any waterbody or course in the Water Supply Protection Overlay ~~District~~<sup>District</sup>.

465 (65) Provision of appropriate natural buffers for wetlands and surface water bodies and  
466 will not adversely affect an existing or potential water supply.

467 (76) Provision of an acceptable Soil erosion and sediment control plan designed and  
468 stamped by a licensed RI Professional Engineer (PE).

466  
467 (78) All permitted and special use permits must include a demonstration and use of  
468 best available control technology and best practices.

469  
470 (8) Hazardous materials reporting plan shall be submitted annually to the local  
471 municipality (as applicable to the use). Examples include but not limited to:  
472 A. Waste manifest  
473 B. Small and/or large quantity generator status  
474 C. Chemical hazard inventory  
475 D. Air pollution reports  
476 E. Hazardous material inventory / waste management plan  
477 F. Regulated medical, and/or pharmaceutical waste  
478 G. Any other state and/or federal requirements.

479  
480 (9) Any use that includes the use or storage of materials, chemicals or petroleum products  
481 that pose a risk to the underlying groundwater must include groundwater contour  
482 information and the installation of groundwater monitoring wells as identified in  
483 RIDEM Groundwater Quality Rules; Section 3.12 titled Determination of  
484 Compliance with Groundwater Quality Standards and Preventative Action Limits,  
485 and section 3.22 Construction standards for monitoring wells and abandonment  
486 procedures for private drinking wells, monitoring wells, piezometers and other  
487 surface Boeings.  
488 a. Applicant/owner shall provide the Town with all test results in relation to the  
489 sampling scheduling provided to DEM.  
490 b. Predevelopment water quality data shall be required and a monitoring plan for  
491 targeted constituents shall be a condition of approval.

492  
493 (9) Emerging contaminants of concern shall be regulated as health standards become  
494 available.

495  
496 (10) Location and description of any proposed facilities for refuse storage and disposal.

#### 6.19.9. Public hearing and decision.

500 The Board shall hold a public hearing no later than sixty five (65) days in an expeditious  
501 manner after filing receiving a completed application and may continue a public hearing under  
502 this section if it finds that such a continuance is necessary to allow the petitioner or applicant to  
503 provide information of an unusual nature and which is not otherwise required as part of a special  
504 permit application and to allow sufficient time for remonstrates and public comment.

#### 6.19.10. Design and operation guidelines.

505 At a minimum, the following design and operation guidelines shall be observed within the  
506 Water Supply Protection Overlay District:

507 (A) *Fill* - Fill materials used in the Water Supply Protection Overlay District shall not  
508 contain solid waste, toxic or hazardous materials, or hazardous wastes. Adequate  
509 documentation shall be provided to the Zoning Board of Review to guarantee the natural  
510 quality of the fill. Any expenses incurred in laboratory analysis shall be solely at the  
511 expense of the applicant.

512 (B) *Drainage* – Storm water shall be managed using Low Impact Development (LID)  
513 practices to avoid and reduce runoff volume to the maximum extent practicable, as specified in  
514 the RI Stormwater Design and Installation Standards Manual and the Rhode Island Stormwater  
515 Management Guidance for Individual Single-Family Residential Lot Development, as amended,  
516 where necessary to protect groundwater quality, runoff from paved parking lots, public and  
517 private streets, loading areas, storage and operating areas, and other impervious surfaces subject  
518 to contamination from road sediments, heavy metals and petroleum products shall be collected  
519 and diverted through an oil/water separator prior to discharge to the environment; collected and  
520 discharged into a “wet” storm water detention basin capable of achieving water quality  
521 enhancement; or diverted toward vegetated filter strips, swales, or bio-retention; or discharged or  
522 diverted to other storm water management facilities designed to attenuate runoff and provide  
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528 pollutant removal capabilities. The Zoning Board of Review may require off-site discharge if on-  
529 site discharge is not feasible because of site conditions, or it is undesirable because of risks to  
530 water quality from such recharge.

531 (C) The maximum percentage of impervious area for each zone shall be as follows:  
532 M-40%, BH-35%, REA-10%, RA-12%, RS-15%, RU-25%, ~~PS-40%~~, BN-40%, and all other  
533 commercial-40%. Residential lots of record that are non-conforming by area shall meet the  
534 requirements of the zone for which their area most nearly matches. Non-conforming lots of less  
535 than 15,000 square feet may use 40% impervious cover.

536 (D) Residential storage tanks for petroleum products may be located outdoors  
537 provided that they are located within a containment structure that has an impermeable base and  
538 surrounding dike. Such base and dikes shall be constructed of material which is both  
539 impermeable and compatible with the material being contained.

540 (E) Dumpsters which are used to store solid wastes shall be covered or located within  
541 a roofed area and have drain plugs intact. No washing or rinsing of dumpsters shall occur on-site.

542 (F) Conservation Developments are strongly encouraged for all major subdivision  
543 and land development projects in the Water supply Protection Overlay District (See Zoning  
544 Section 6.20 for Conservations Development requirements and standards).

545 All facilities constructed in accordance with this Section shall be maintained by the owner to  
546 assure their ability to function as designed. Failure to properly maintain said facilities shall  
547 constitute a violation of this Ordinance and is subject to enforcement action by the Town.

#### 548 **6.19.11. Enforcement and violations.**

549 **6.19.11.1. Enforcement-** It is the intent of this Ordinance that-all questions of interpretation and  
550 enforcement shall first be presented to the Zoning Enforcement Officer, ~~or designee~~, and that all  
551 questions shall be presented to the Zoning Board of Review only on an appeal from the Officer.  
552 Interpretation, enforcement, and appeals shall be conducted in compliance with Section 9.1 of  
553 the ordinance.

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555 **6.19.11.2. Violations** - Written notice, via certified mail, of any violation of this ordinance shall  
556 be given by the Officer, or designee, to the responsible person within forty-eight (48) hours of  
557 confirmation of the violation, specifying the requirement or restriction violated, the actions  
558 necessary to remove or remedy the violations, preventive measures required for avoiding future  
559 violations and a schedule of compliance. The costs of containment, cleanup, or other action of  
560 compliance shall be borne by the owner or operator of the premises.

#### 561 **6.19.12. Fee schedule.**

562 A schedule of fees, charges, expenses, and penalty fees shall be established in conformation  
563 with section 12, subsection 12.1 of the North Smithfield Zoning Ordinance.

564 (Ord. of 04/01/2013, Ord. of 11/02/2020)

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585 The undersigned, the duly elected Town Council of the Town of North Smithfield have hereunto  
586 set their hands and caused this ordinance to be adopted.

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588 This ordinance shall take effect upon passage.

590 First Reading: \_\_\_\_\_  
591 Second Reading: \_\_\_\_\_  
592

593 Passed by the Town Council on \_\_\_\_\_  
594  
595  
596

597 \_\_\_\_\_  
598 Town Clerk  
599

600 Approved as to form: \_\_\_\_\_  
601 David V. Igliozi, Town Solicitor  
602  
603

604 NORTH SMITHFIELD TOWN COUNCIL  
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609 Kimberly Alves, President  
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613 Douglas Osier Jr., Vice President  
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617 Paulette Hamilton  
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621 John Beauregard  
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625 Claire V. O'Hara  
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