



TOWN OF NORTH SMITHFIELD
PLANNING DEPARTMENT

One Main Street
Slaterville, 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.

Phillip Gendreau of 25 Nuttall Av, North Smithfield, RI is hereby designated as the person to whom legal process may be served in connection with any proceedings arising out of this application. I/We also certify that the undersigned is the owner of the property designated below:

Name of Project: 54 Hillview Ave Date: 1-12-23

Classification	Type of Project	Review Stage
<input type="checkbox"/> Minor	<input type="checkbox"/> Administrative	<input type="checkbox"/> Pre-Application/Concept
<input checked="" type="checkbox"/> Major	<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Master Plan
	<input type="checkbox"/> Land Development Project	<input checked="" type="checkbox"/> Preliminary Plan
		<input type="checkbox"/> Final Plan

1. Assessor's Plat(s) 6 Assessor's Lot(s) 73 & 91
2. Number of Lots: 2 3. Zoning Designation(s): RL
4. Street Name: Hillview Ave & Norman Ave
5. Divider/ Developer: Gendreau Investments, LLC
6. Divider/s/ Developer's Name: Phillip Gendreau
(Please Print)
- Divider/s/ Developer's Name: Phillip Gendreau
(Signature)

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

<u>Phillip Gendreau</u> (Signature)	dotloop verified 01/11/23 3:28 PM EST IPHD-ZWVX-ZKTR-FFU
<u>Manuela Garza</u> (Signature)	dotloop verified 01/11/23 4:47 PM EST G02B-03DV-SANH-AJ1

Phillip Gendreau - 54 Hillview
(Please Print)

Manuela Garza - 0 Hillview
(Please Print)

8. Surveyor/ Engineer/ Attorney/ Representative: Marsh & Long (Surveyor)
Name: Steve Long John Longo
Address: 450 George Washington Hwy, Smithfield, RI Attorney
Daytime Telephone # 401-487-2696 Facsimile # 401-378-6441

(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.)

RECEIVED FOR RECORD
NORTH SMITHFIELD R.I.

Jan 25, 2023 at 08:35A

BOOK 960 PAGE 225
DOC #: 00050132

STATE OF RHODE ISLAND
TOWN OF NORTH SMITHFIELD
ZONING BOARD OF REVIEW

January 10, 2023
North Smithfield Town Hall
83 Greene Street
North Smithfield, R.I.

DECISION RE:

ZBR-23-02 The application for a Dimensional Variance by Manuela Garza, 109 Congress Street, Woonsocket, RI 02895. The property AP 06 Lot 91 with frontage located on Norwood Road requires 100 feet of street frontage, the property has less than required frontage. 5.5.1 Minimum Frontage Requirements of the North Smithfield Zoning Ordinance requires a Dimensional Variance in an RU Zoning District.

BEFORE:

Robert Najarian
Scott Martin
Christopher Deziel
Vincent Marcantonio
Gail Berlinghof

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 December 29th 2022 and January 5th 2023
- Posting of the hearing notice at Town Hall, the North Smithfield Police Station, the North Smithfield School Department, Town website, 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 or about December 20th 2022

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. ZBR-23-02 Application dated 01/16/2023 – 17 pages

P2. Abutters List

P3. Warranty Deed received for record on 03/24/2022 regarding 0 Hillview Avenue

P4. Survey prepared by Marsh and Long Surveying, Stephen Long #1930 signed 11/08/2022

P5. 200-foot Radius Map for Lot 91 and 73 – 1 page

P6. Reduced Versions of Exhibits A, B and C in the Applicant's Presentation

P7. North Smithfield Planning Board Meeting Minutes from 10/13/2022

EXHIBITS SUBMITTED BY THE PUBLIC:

A1. Pictures submitted by abutter with no dates or addresses – 9 pages

A2. Drawings submitted by abutter dated 06/01/2022 – 5 pages

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 upon the testimony and evidence presented and full review of the Application and record presented at the public hearing, the North Smithfield Zoning Board of Review makes the following findings of fact, under 9.3.1:

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 a physical or economic disability by the applicant.

This finding of fact is based on testimony that the hardship is unique to the property, as the paper road extension of Norwood Road was never completed; therefore, there is not enough road frontage through no fault 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.

This finding of fact established that there was no prior action of the applicant, and that the applicant purchased said property to construct a house in a residential lot, not necessarily for 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.

This finding of fact established that there were concerns raised from an abutter with respect to the size of the proposed dwelling; however, this is a residential district and the size of the home is not under the Zoning Board of Review's authority. This finding further established that the application does not alter the general character of the surrounding area because the proposed dwelling is a residential home to be built on a residential lot.

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

This finding of fact established that based on surveyor confirmation that the applicant needs 14.5 feet of relief, as requested, said relief 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 land, structures, or buildings in the same district.

This finding of fact established that there is no special privilege to be conferred upon the applicant, in light of the lot being on a town road with a certain portion preexisting as a paper road.

9.3.2 (a) In granting a use variance. The subject, land or structure cannot yield any beneficial use if it is required to conform to the provision of zoning ordinance. Nonconforming use of neighborhood land or structures in the same district and permitted use of lands and structures in an adjacent district shall not be considered in granting a use variance.

This finding of fact is non-applicable.

(b) In granting 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.

The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, has the power to grant dimensional variances where the use is permitted by special-use permit if provided for in the special use permit sections of the zoning ordinance.

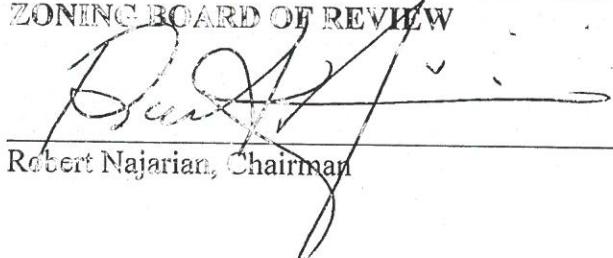
This finding of fact established that denial of the proposed relief would amount to more than a mere inconvenience for the applicant, as without the relief requested, the proposed dwelling cannot be built.

Motion made by Mr. Deziel, seconded by Mrs. Berlinghof to approve application ZBR-23-02 by *Manuela Garza* seeking a dimensional variance specifically relief from Section 5.5.1 Minimum Frontage Requirements in an RU District. Said relief is approximately 14.5 feet. Said motion is subject to the applicant submitting a revised site plan, currently submitted as P4, clearly defining the dimension of the existing frontage and delineating the precise relief requested. Said motion is also subject to the Planning Board memorandum resubmitted to the Zoning Official.

THE APPLICATION IS APPROVED BY A VOTE OF 5-0.

Voting to Approve: Robert Najarian YES, Scott Martin YES, Christopher Deziel YES, Vincent Marcantonio YES, Gail Berlinghof YES

BY ORDER OF THE NORTH SMITHFIELD
ZONING BOARD OF REVIEW


Robert Najarian, Chairman

RECORDED IN NORTH SMITHFIELD RI Jan 25, 2023
AT 08:35A ATTEST JOANNE BUTTIE, TOWN CLERK

RECEIVED FOR RECORD
NORTH SMITHFIELD R.I.

Jan 12, 2023 at 06:30P

BOOK 960 PAGE 43
DOC #: 00050081



Town of North Smithfield
Planning Board
Decision Letter

October 13, 2022

Mr. Phillip Gendreau
25 Mattity Road
North Smithfield, RI 02903

Re: OWNER: Gendreau Investments, LLC.
LOCATION: 54 Hillview Avenue
Tax Assessor's Plat: 6, Lots: 73 & 91
APPLICANT: Gendreau Investments, LLC.

Dear Mr. Phillip Gendreau,

The following is the decision on your application for Master Plan approval of a Major Subdivision to subdivide two (2) existing lots; one (1) vacant lot and one (1) undersized nonconforming lot with an existing dwelling having less than the required rear yard setback. The intent of the subdivision is to add approximately 2,952 S.F. to the undersized nonconforming lot to provide an 18' rear yard setback, thereby reducing the vacant conforming lot from 22,906 S.F. to 20,008 S.F. in a Residential Urban (RU) zoning District.

After completion of a public informational meeting for which notice was served and a record was kept, the North Smithfield Planning Board, taking into consideration its knowledge and expertise and after considering all the representations and presentations made at the public informational meeting makes the following findings of fact:

- 1) That the subject property is located at 54 Hillview Avenue 0 Norwood Avenue and is identified as Tax Assessor's Plat: 6; Assessor's Lots: 73 and 91 and is zoned RU-20.
- 2) That the existing property consists of two (2) parcels totaling approximately 36,960 S.F. with one (1) single-family dwelling on 14,000 S.F. and a vacant 22,960 S.F. lot.
- 3) That the existing single-family home has less than the required rear yard setback and the applicant desires to move the rear line to provide a rear yard setback of approximately eighteen (18') feet to more closely conform to the zoning requirements.
- 4) That the existing single-family home also has a patio that extends onto the abutting lot, and the applicant desires to create an easement to allow the patio to extent into the abutting lot by approximately eight (8') feet.
- 5) That moving the rear property line the additional eight (8') feet to eliminate the need for an easement would result in creating an undersized nonconforming lot (lot 91).

- 6) That the Planning Board discussed relocating the rear property line an additional eight (8') as opposed to creating an easement and decided in favor of the easement rather than to make lot 91 an undersized lot.
- 7) That there were several residents who expressed concerns about construction of a new home on lot 91, including increased traffic, groundwater concerns and concerns that the new home would not meet the required zoning setbacks.
- 8) That the Planning Board considered the neighbor's concerns and explained that one new home would not increase traffic in the area. That any groundwater issues would need to be addressed by the builder should they discover an issue during construction. Finally, that the Planning Board did not approve creation of an undersized lot, therefore there is sufficient area to accommodate a new home without the need for setback variances.

Based on the foregoing findings of fact, a motion was made by Mr. Fournier, seconded by Mr. Punchak and voted unanimously on a roll call vote to approve the master plan with the following stipulations:

- 1) That the applicant shall receive the required dimensional variances from the Zoning Board of Review (ZBR) for less than the required rear yard setback and less than the required frontage on an improved town roadway.
- 2) That the applicant shall abandon the current sewer line connection extending from Norwood Road in a northerly direction across lot 91 and shall reconnect dwelling at 54 Hillview Avenue (lot 73) to the sewer line located in Hillview Avenue subject to approval of the Town of North Smithfield Sewer Division.
- 3) That any proposed new dwelling to be constructed on lot 91 shall be connected to the existing sewer line in Norwood Road subject to approval of the Town of North Smithfield Sewer Division.
- 4) That the preliminary plan set shall include the proposed dwelling and proposed driveway locations for lot 91 and indicate proposed sewer connections for lots 73 and 91.
- 5) That the applicant shall be required to obtain approval for water service either from Woonsocket Water or from RIDEM in the event of a well.

In granting its approval, the Planning Board found the development to be generally consistent with Article 1.1 "Purpose" of the Towns Land Development and Subdivision Regulations and;

- 1) Generally consistent with the Comprehensive Community Plan.

Land Use Chapter Goal 1. Ensure that the density and location of development is sympathetic to the capacity of public facilities and services.

Land Use Chapter Goal 2. Promote "Smart Development by directing medium to high density housing to areas in or immediately adjacent to villages. **Policy 2.a.** Establish residential densities and smaller lot frontages within or adjacent to village centers in a commensurate manner, where public water and sewer systems are available.

Housing Chapter Goal 1. Achieve a diversity of housing opportunities that are affordable for the

various population groups of North Smithfield for both current and future populations.

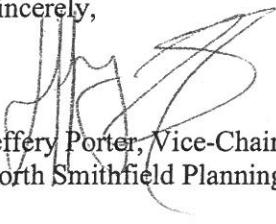
Housing Chapter Policy 2.b. Promote increased housing density commensurate with that of existing village areas.

- 2) Not in compliance with the standards and provisions of the Town Zoning Ordinance. The proposed development requires the following zoning relief to be issued by the ZBR:
 - Zoning Section 5.5.1 – Less than the required rear yard setback for lot 73. Required setback is 40' - proposed setback is 18'.
 - Zoning Section 5.5.1 - Less than required lot frontage. Required frontage on an improved Town Roadway is 100' - proposed frontage 80'.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate physical access to a public street.

The following vote on the motion to approve was cast:

Jeffery Porter	Yes
Michael Fournier	Yes
Richard Keene	Yes
David Punchak	Yes
Roland Menard	Yes

Sincerely,



Jeffery Porter, Vice-Chairman
North Smithfield Planning Board



**CITY OF WOONSOCKET - WATER DIVISION
RHODE ISLAND**

January 19, 2023

To Whom It May Concern:

This letter is to inform you that due to the current water pressure/volume inadequacies in the area you are requesting, the Woonsocket Water Division is not allowing any new services on Hillview Ave, Norwood Rd, and Westwood Rd in North Smithfield. Due to aging infrastructure and water system hydraulics, there is currently insufficient water pressure/volume for customers in this area and any additional demands on the system will compound the problem.

If you have any additional questions or concerns, please do not hesitate to contact me at 401-767-9296.

Sincerely,

Mare Longpre
Transmission/Distribution Supervisor
Woonsocket Water Division



Town of North Smithfield

83 Greene Street

North Smithfield, Rhode Island 02896

Water & Sewer
Coordinator

January 24, 2023

Mr. Phil Gendreau
GENDREAU INVESTMENTS LLC
25 MATTITY RD
N SMITHFIELD, RI 02896

Dear Mr. Gendreau –

As you know, the property located at 54 Hillview Ave (006-073) connected to the sewer system in 1981 via a lateral that went off the back of the home, through the undeveloped portion of the lot, and tied into the sewer main on Norwood Rd. Upon your intention to subdivide this lot, a new sewer lateral was built to connect the current home out the front to the main on Hillview Ave. The older lateral was cut and capped at the home's foundation and deemed inactive.

Concerning the existing lateral that runs through the new lot (006-091), there are no known impediments to a home on this lot using it to connect to the sewer system. When a sewer permit application is submitted for a sewer connection to a home built on this new lot, the Sewer Department will insure the drainlayer utilizes this existing lateral which already ties into the main on Norwood Rd.

Feel free to contact me with any questions or concerns.

Thank you,

Maura Beck

Maura Beck
Water & Sewer Coordinator
Town of North Smithfield RI
401-767-2200 x 305
mbeck@nsmithfieldri.org

This institution is an equal opportunity provider and employer



Town of North Smithfield

83 Greene Street
North Smithfield, Rhode Island 02896

Water & Sewer
Coordinator

January 23, 2023

Mr. Phil Gendreau
GENDREAU INVESTMENTS LLC
25 MATTITY RD
N SMITHFIELD, RI 02896

Dear Mr. Gendreau –

This letter confirms that the new sewer connection at 54 Hillview Ave has been inspected and approved by the North Smithfield Water & Sewer Superintendent.

The original connection to this property, completed in 1981, sent sewage to the sewer main on Norwood Rd. That connection has been made inactive and the Superintendent confirms that it has been cut and capped.

The new connection, completed in Jan 2023, sends sewer to the main on Hillview Ave. All cleanouts have been identified and inspected and the road/curb has been put back to it's original condition.

I have included the sewer tie-in drawing for the new connection at 54 Hillview Ave which will be filed electronically with the Sewer Department and via hard copy in the Building Inspector's file for this property.

Feel free to contact me with any questions or concerns.

Thank you,

Maura Beck

Maura Beck
Water & Sewer Coordinator
Town of North Smithfield RI
401-767-2200 x 305
mbeck@nsmithfieldri.org
This institution is an equal opportunity provider and employer

Sewer Project – Phase

Date 1/23/2023

Plat 006 Lot 073 Address 54 Hillview

Contractor

~~E-One Pump DH~~ Gravity

Amps #1- #2-

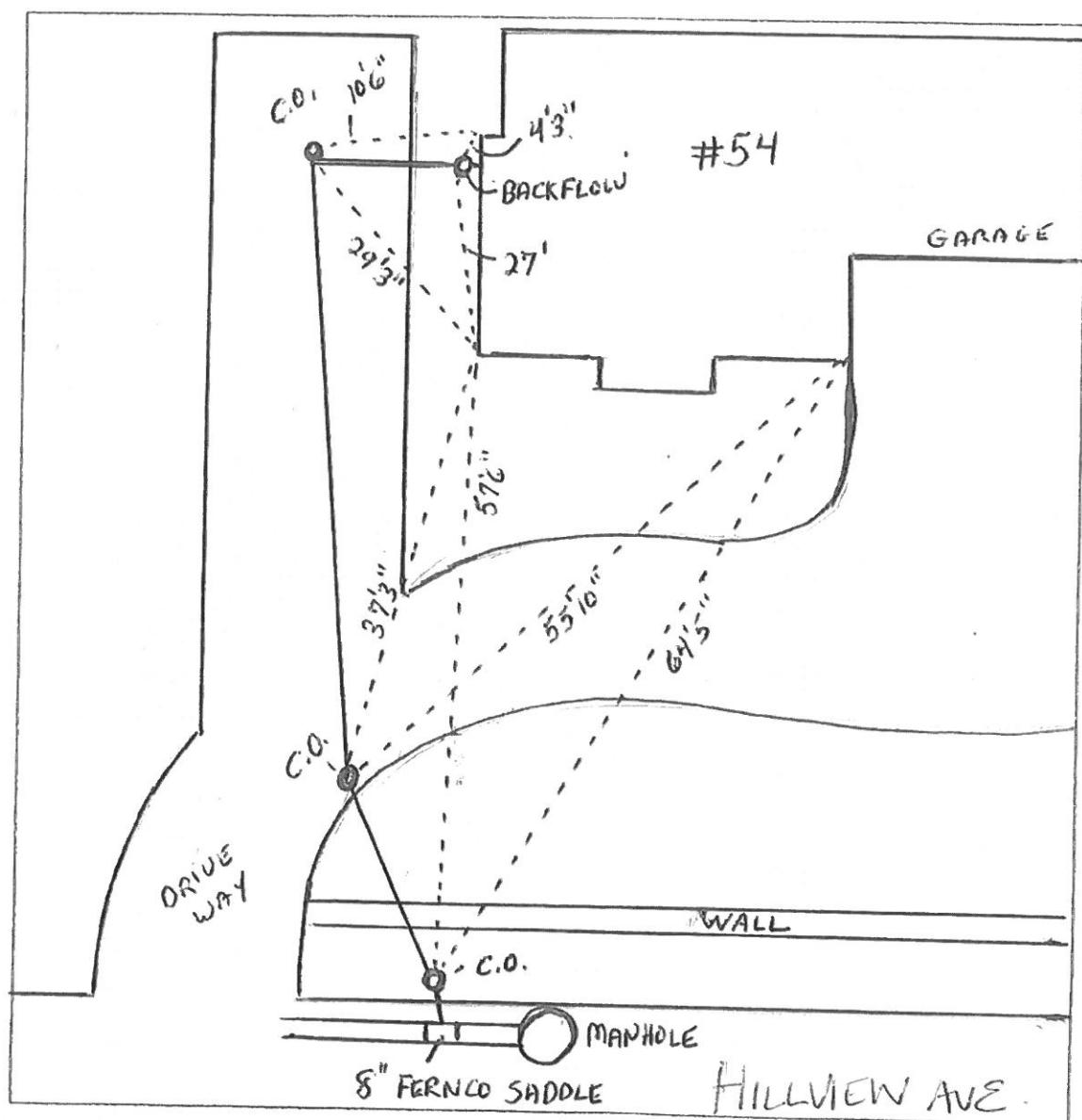
Alarms- Light

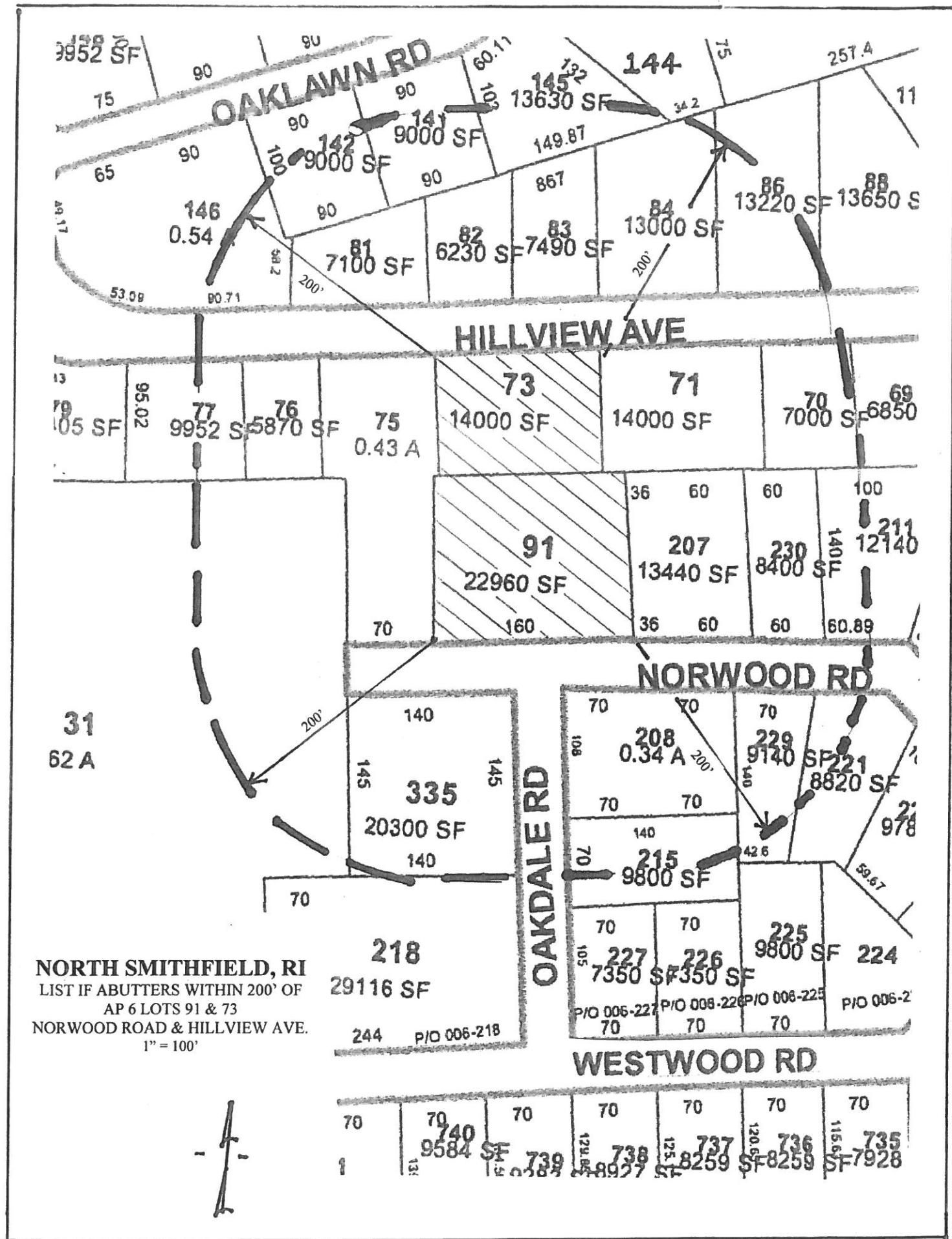
Sound

Silence

Reset

Comments





Parcel ID: 006-031
DENEVERS YVONNE ET AL
C/O MR & MRS MAURICE DE NEVERS
252 FRAXINELLA STREET
ENCINITAS CA 92024

Parcel ID: 006-070
GALIPEAU REBECCA M
32 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-071
CHIAVERINI TRACY E
34 HILLVIEW AV
NO SMITHFIELD RI 02896

Parcel ID: 006-073
GENDREAU INV. LLC.
25 MATTITY RD.
N SMITHFIELD RI 02896

Parcel ID: 006-075
MARY BETH MALONE ET AL
66 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-076
MATHIEU KEITH ET AL
74 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-077
DENOMME MARC G & LESLIE J
80 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-081
GUAY PATRICIA M
65 HILLVIEW AV
NO SMITHFIELD RI 02896

Parcel ID: 006-082
DALTI FRANK
LIFE ESTATE
59 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-083
TYCE CHARLES S &
ASHLEY M BETTENCOURT
49 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-084
DAVIS JONATHAN W & PATRICIA A
35 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-086
SEVEGNY SCOTT T & SUZANNE M
33 HILLVIEW AVE
NO SMITHFIELD RI 02896

Parcel ID: 006-088
PHILLIPS TINA M
25 HILLVIEW AVE
N SMITHFIELD RI 02896

Parcel ID: 006-091
MANUEL GARZA
90 SHIRLEY DR.
CUMBERLAND RI 02864

Parcel ID: 006-141
LAFERRIERE MICHELLE
10 OAKLAWN ROAD
NORTH SMITHFIELD RI 02896

Parcel ID: 006-142
MAOZ ITZHAK
12 OAKLAWN RD
NORTH SMITHFIELD RI 02896

Parcel ID: 006-144
GARTLAND BRIAN E
6 OAKLAWN RD
NO SMITHFIELD RI 02896

Parcel ID: 006-145
GOSSELIN PAUL H & CHRISTINE C
LIFE ESTATE
8 OAKLAWN ROAD
NORTH SMITHFIELD RI 02896

Parcel ID: 006-146
JONES LAJHON &
THOMAS CAITO
16 OAKLAWN RD
N SMITHFIELD RI 02896

Parcel ID: 006-207
ROTHWELL SHERRY L
P O BOX 171
FORESTDALE RI 02824

Parcel ID: 006-208
IRENE SHEWCHUK TRUST
IRENE SHEWCHUK TRUSTEE
38 NORWOOD RD
N SMITHFIELD RI 02896

Parcel ID: 006-211
MESSINA WILLIAM & DAMARIS R
19 NORWOOD RD
N SMITHFIELD RI 02896

Parcel ID: 006-230
GORYL STANLEY J & ANN M
25 NORWOOD RD
N SMITHFIELD RI 02896

Parcel ID: 006-335
DALTORIO DAVID T & EVELYN M
19 OAKDALE RD
N SMITHFIELD RI 02896

Parcel ID: 006-215
GAMACHE GEORGE A & DIANE C
LIFE ESTATE
16 OAKDALE RD
N SMITHFIELD RI 02896

Parcel ID: 006-218
BELLINI JOSEPH & ALYSHA
75 WESTWOOD ROAD
N SMITHFIELD RI 02896

Parcel ID: 006-221
SAMANTHA MIRANDA ET AL
20 NORWOOD ROAD
N SMITHFIELD RI 02896

Parcel ID: 006-229
KINSLEY MICHAEL J
30 NORWOOD ROAD
N SMITHFIELD RI 02896

Parcel ID: 006-069
FONTAINE ANDRE J & ELAINE M
24 HILLVIEW AVE
N SMITHFIELD RI 02896